JOSEPH H. CHOATE

THERON G. STRONG

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JOSEPH H. CHOATE

"BIOGRAPHY IS BY NATURE THE MOST UNIVERSALLY PROFITABLE, UNIVERSALLY PLEASANT OF ALL THINGS; ESPECIALLY BIOGRAPHY OF DISTINGUISHED INDIVIDUALS."

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Joseph H. Choate in 1894

JOSEPH H. CHOATE

NEW ENGLANDER

NEW YORKER LAWYER

AMBASSADOR

BY

THERON G. STRONG

Author of "Landmarks of a Lawyer's Lifetime"

NEW YORK

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1917

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INTRODUCTORY

I do not profess to have prepared a complete biography of Mr. Choate, much less an authorized biography, which would naturally refer to subjects, domestic and social, to which I do not allude.

His career of extraordinary interest and brilliancy furnished an attractive theme which I could not pursue when writing my *Landmarks of a Lawyer's Lifetime,* as it dealt only with persons no longer living, and he was very much alive.

I had not sent him, or other members of the Bar, a copy of the book, being uncertain, at the time, whether it would be regarded as a benefit or a burden. But soon after its publication, he read it, and spontaneously wrote me a letter so characteristic of his friendliness, and so generous and outspoken in recognition of what he approved and, as well, containing an interesting reminiscence of his first case in the United States Supreme Court, in which my kinsman, Mr. Justice Strong, wrote the opinion and, in addition, his impressions of Mr. Justice Strong, and my father, that I believe most of it should be inserted here, not only as an indication of the man, but quite likely as the inspiration to attempt a pen portrait of him.

"Naumkeag
Stockbridge, Mass.,
June 18, 1914.

My dear Mr. Strong:

I can't tell you how much I thank you for writing and publishing your *Landmarks of a Lawyer's Lifetime*. I have read it with great delight. It recalled many incidents I had forgotten, and told me some which had never before come to my knowledge. I congratulate you very much on the success of the book.

I thought your characterizations of the various men whom I have known at the Bar, and with whom I have collided, more or less closely, are almost all very just and fair. I was particularly pleased with your sketch of Mr. Evarts, to whom no justice has been done in the way of a biography.

In case you should ever issue another edition, there are one or two suggestions, perhaps, worth inquiring about in regard to Mr. Evarts' career. It is true that he came to the actual front in the trial of the Parish Will Case before the Surrogate, but I don't think he was originally retained as leading counsel. If I recollect rightly, it was when Mr. Cutting, who was so retained, unexpectedly and suddenly broke down, and had to retire, and, as it turned out, never to return, that Mr. Evarts was called in to take his place, which he did so well.

Mr. Evarts was not only very highly qualified, but he was exceedingly fortunate professionally, in the

fact that while he was at the head of the Bar, and the natural man to be called in for great cases, so many cases of that character occurred, as the impeachment of the President, the Geneva arbitration, the trial of Henry Ward Beecher, and one or two others which gave him great fame, which will long outlast the memory of his official services as Attorney General, Senator and Secretary of State.

I gave a copy of your book to Lord Eversley, who, as George Shaw-Lefevre, had known Mr. Evarts very well, both on this side of the water, and in England. He was delighted to get it to read on his lonesome way home in the steamer.

. . . . . .

I remember very well practicing before your father in several cases in the Supreme Court, and what a serene and dignified judicial officer he was.

I had an interesting experience with Mr. Justice Strong, of the United States Supreme Court, when Mr. Evarts became Secretary of State. He had been retained by H. B. Claflin to defend him against an indictment on some Custom House matter that had been troubling him, and was for some technical offense involving no personal fault. Of course, having become Secretary of State, Mr. Evarts could not argue it, and so it was turned over to me. I haven't the volume of the Supreme Court of that date here, but it could be easily found.* The difficulty was serious in that the same Court, by unanimous decision, two or three years before, against

* 97 United States Reports, 546.

another party, had decided adversely to Mr. Claflin's position on the very same point, and Mr. Justice Strong had written the opinion. But the merits were very clear to my mind, and I argued it as if they were so. Presently the decision came out in favor of Mr. Claflin, Justice Strong writing the opinion, reversing himself and the Court in the former case. I thought it a very magnanimous opinion, very characteristic of the man, and proving himself to be just the kind of man that is always wanted for the Supreme Court.

Thanking you again for writing the book, which does so much credit to yourself and the profession, I am Most truly yours,

Joseph H. Choate."

After its receipt I commenced preparing a sketch of him, resorting to sources of information available to the public, supplemented by my knowledge of him, through long acquaintance and in more or less frequent association at the Bar. My intention was to represent him as known to his brethren at the Bar, and gather about him some interesting events of his career, without touching upon private and personal matters which, however interesting, are not of public concern, and can only be revealed in an authorized biography. Fortunately, I was permitted access to valuable material, which it would have been impossible for me to collect, consisting largely of clippings from the newspapers of this country and England, preserved in several volumes

of scrapbooks. My access to them happened in this way: Being unable to find a record of one of the most interesting and characteristic incidents of his career—his "St. Patrick's Day Speech"—I applied to him for the date of its delivery. He responded, giving me the information. I found it at the Public Library, in one of the New York papers, and procured two photographic copies of it. Thinking Mr. Choate would like to see one of them, I sent it to him by letter, stating that if he surmised from my interest in his speech that I was writing about him, this surmise was correct, but that I was having difficulty, lacking available information, in preparing anything adequate respecting his career as Ambassador at the Court of St. James. He responded that he had kept very full scrapbooks of his experience as Ambassador and, to my agreeable surprise, offered to place them at my service. In the Autumn of 1915 he allowed me to take the scrapbooks, one by one, and examine them at my convenience, and make extracts from them, and, in addition, placed in my hands recollections he had written of his family, remarking that it was the beginning of his reminiscences, but that so far he had only carried them down to the date of his birth, and that, as to that event, he could not say that his memory was entirely clear; beside this, he gave me, in several conversations, valuable information. In talking over with Mr. Choate matters connected with his career, I urged him to give the subject careful thought, in order to recall interesting inci-

dents, and state the facts with accuracy. "Oh," said he, "I could not do that; I hate to think; I always did hate to think. There was Lord Haldane, of whom you know, who was a philosopher and Lord Chancellor. One day he handed me a book he had published, called *The Pathway to Reality*. Of course, I accepted it gratefully, and when I met him later he referred to it, and I was obliged to tell him I hadn't read it, because I found I was unable to understand it, and I was so averse to thinking on any subject, I could not bring myself to think what he meant. He laughed and said no more about it."

Therefore, I regretfully abandoned my effort to induce him to bring forth from his mental treasury his rich store of recollections of Rufus Choate, his remarkable kinsman; William M. Evarts, his preceptor and partner; the eminent lawyers and judges at our Bar; and the English lawyers and statesmen with whom he was on friendly, sometimes intimate, terms. His personal experiences at the Bar, and amid the manifold relations of New York life, would have provided reminiscences of extraordinary interest. But, without relying on his memory, his scrapbooks were full of choice material. From these, with the other material he furnished, I have drawn freely during more than two years spent in preparing the succeeding pages, following closely, at times, the lines of thought and occasionally the same phraseology adopted in them. The scrapbooks contained fugitive articles, ephemeral in their na-

ture, having no permanent value other than as sources of information respecting his career. To the authors of these I acknowledge, respectfully and gratefully, my obligations for much of whatever value there may be in what I now offer.

NOTE

It should be stated that in the first eight pages of my book I have employed, to a very large extent, the language used by Mr. Choate in the recollections which—with no thought of publication in his mind—he wrote for the benefit of his family.

I

THE NEW ENGLANDER

I

THE NEW ENGLANDER

Mr. Choate's ancestors were genuine New Englanders and, for generations, residents of Salem, Massachusetts. His maternal grandfather, Gamaliel Hodges, was a fine, sturdy figure at seventy, full of life and health, and good for many years to follow. He was a giant in stature, is said to have been the tallest man in Salem, and at his best, or worst, weighed no less than 350 pounds. His brothers, Benjamin and George, were of like stature. It is related of them that when the master of a foreign ship approaching the dock beheld them he exclaimed, "Is this a land of giants?" He possessed a calm and equable temperament denoting an absence of nerves, and passed his life of eighty-five years without illness until that from which he died. Twenty-five years before the mast and on the quarter-deck, full of fresh air and salt water, gave the Choates their good constitution, enabling Mr. Choate to maintain his very strenuous life at the Bar, at the same time rendering conspicuous public service.

The early days of this ancestor were those of slender education, in his case limited to the three R's: Reading, Writing and Arithmetic. In the school which he attended, when the hour came for dis-

missal, the boys all rose and recited together "Honorificabilitudinitatibus," and with the "Bus" all started for the door with a shout.

The origin of this unpronounceable word that gave the sign for dismissal is not easily discoverable, but the approval of its use by Shakespeare, when he makes Holofernes, the schoolmaster in "Love's Labour's Lost," use it, is a high recognition of it. It must have been a word that came down through tradition in the schools, handed from mouth to mouth, crossing the Atlantic with the first settlers, for, centuries before, in all probability, it had been used in a similar way in the Latin schools, as it occurs in manuscripts, at least, as early as the twelfth century, in the "Catholicon" of Johannes Janua (1286) and in Dante's "De Vulgari Eloquio," and in late middle Latin dictionaries. The idea seems to have been that any boy who could spell that word could spell any other in the language.

Like all Salem boys of well-to-do families in those days, at fifteen he took to the sea, which served him as college and university, through all the grades, as cabin boy, seaman, supercargo, second mate, first mate and captain, and only retired when he had become not only the master, but owner of his ship.

Through his maternal line he traced his descent from the most distinguished of all his ancestors, Philip English, presumably of England, the first great merchant of Salem. He was a most enterprising and successful citizen. He built and owned a large fleet; carried on a great commercial trade;

acquired large tracts of land, and was universally respected and honored.

In his days, during 1692, the strange witchcraft delusion occurred, and his eminence and success brought upon him and his wife, probably because of envy of their success and high character, a charge of being guilty of witchcraft. They were both arrested and lodged in Boston jail, but managed to escape to New York City, where they remained until the excitement had subsided: otherwise their names would certainly have been included with the twenty victims of that terrible delusion. So rapidly did it die out that on their return in the following year they were welcomed with bonfires and other marks of rejoicing.

John Choate, from whom all those of that name in America are descended, arrived in Ipswich from the old country about 1643. He it was who acquired the land at Hog Island where he, and his descendants have to this day, continually resided; among them that eminent lawyer and statesman, Rufus Choate.

Life on the Island, as everywhere in Ipswich in his time, was extremely simple and primitive. The habits and customs of the people cannot have changed much since the earliest settlement of the Colony, and the only communication with the outside world appears to have been when the head of the family was sent to represent the town at the meetings of the General Court in Boston.

The old-fashioned New England discipline prevailed. The father was the real head of the family;

the mother was the mediator between him and the children, who were entirely subject to his sway.

John Choate was a substantial and worthy citizen and had, with his son Thomas, at least one truly valuable title to distinction, because, at the height of the witchcraft delusion he possessed the courage to sign a protest in behalf of "certain individuals then under suspicion of witchcraft." In this protest they say "What God may have left them to, we cannot go into God's pavilion, clothed with clouds of darkness round about; but as to what we have ever seen or heard about them we judge them innocent of the crime objected." As Upham in his history of Salem witchcraft has truly said, "It is to the memory of these signers that their names should be recorded, and their descendants may be well gratified by the testimony thus borne to their courage and justice."

Thomas' third son, Francis, born in 1701, who died in 1777, was Mr. Choate's ancestor. Among all the Choate ancestors it is said there were none so illustrious for their piety as Esquire Francis and his wife Hanna. He was a ruling elder and a tower of strength in the Whitfield movement. Like many of his time he was a slaveholder, but his will provided for the freedom of his slaves or for their comfortable support when aged or unable to work. It was one of his brothers who built the famous Choate bridge over the Ipswich River, a stone bridge of beautiful proportions, which still stands secure as on the day it was opened, though its low arches were

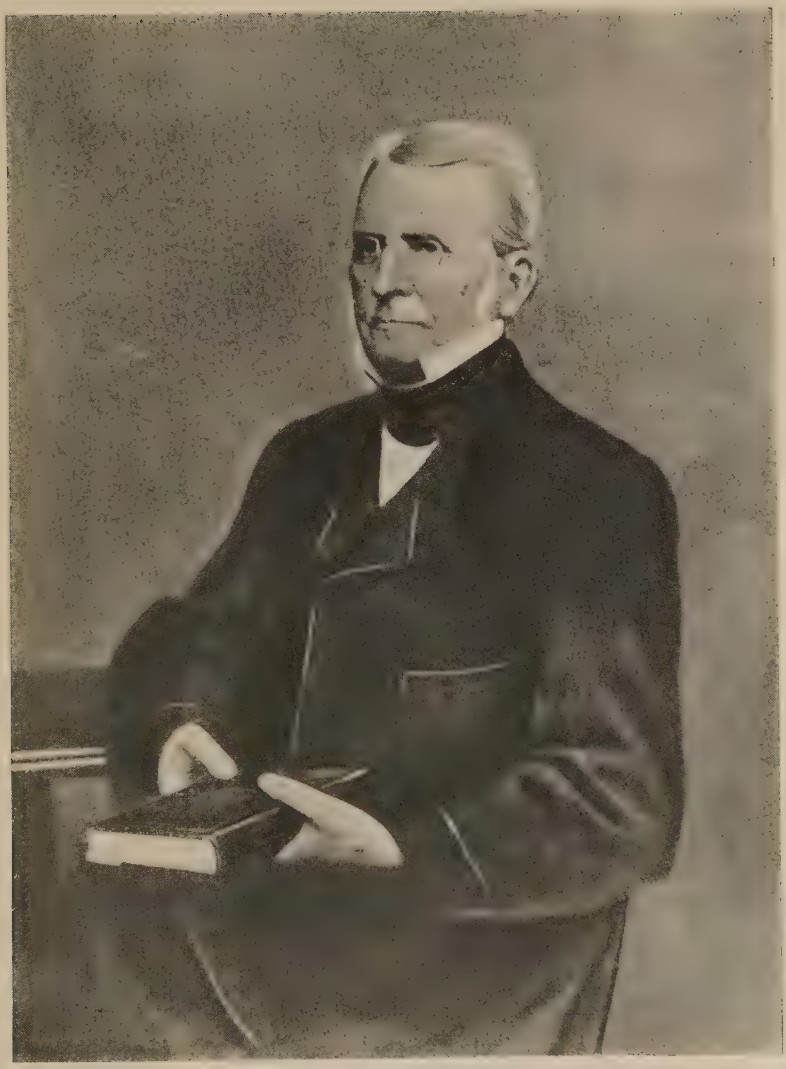
such a novelty in that region that its collapse with the first heavy load that went over it was loudly predicted, and great multitudes are said to have gathered to witness the catastrophe.

Mr. Choate's father, Dr. George Choate, was born in Chebacco, Essex, November 7, 1796. He was graduated from Harvard in 1818 with Phi Beta Kappa honors. His class, which numbered eighty-one members, was the largest up to that time, and continued such until the class of '52, of which Mr. Choate was a member, numbering eighty-eight. He lived until eighty-three years of age and died June 8, 1880. After thorough preparation for the medical profession in the Harvard Medical School, he entered upon practice in Salem and became one of its most distinguished physicians. His practice extended throughout the neighboring towns, involving strenuous labor, and in it he continued with pronounced success for nearly forty years. He relinquished it when about seventy years of age, retiring to Cambridge, where one of his sons resided. He had the satisfaction of witnessing the development of the careers of all of them. Joseph, the youngest, was then about forty-eight years of age and one of the most successful lawyers at the New York Bar. William G., the first scholar in the class of '52, after a successful career at the Bar, had become District Judge of the United States for the Southern District of New York. Dr. George C. S., who had been superintendent of the State Insane Asylum at Taunton, was later the head of probably

the leading private asylum for the insane in the country. Charles F., the first scholar in the class of '49, had become president of the Old Colony Railroad.

Dr. Choate was a public-spirited citizen, taking active interest in public affairs, was president of the Essex South District Medical Society and of the Salem Athenæum, represented Salem in the General Court, served efficiently on the school committee and was later an Alderman, and the community constantly relied upon his advice and assistance. He was a pillar of the first church, the church of Francis Higginson, Hugh Peters and Roger Williams. His interest in education was remarkable and never failing. He heartily sustained the efforts of Horace Mann which introduced such wonderful reforms in the school system of Massachusetts. In attending a teachers' convention at Topsfield at which Mr. Mann was to be present, Dr. Choate, his son relates, took him in a chaise to Topsfield. As the distinguished reformer was desirous of reaching Salem that night, Dr. Choate invited him to accompany him on his return, and there being no other place for young Choate to sit, he sat all the way upon Mr. Mann's lap which, he said, he always regarded as the actual beginning of his education.

In alluding to the desire of his father and mother that their children should be well educated, Mr. Choate said: "The lives of my father and mother were truly heroic in the matter of the training of



Dr. George Choate

their children. Having four sons and two daughters they determined, at all hazards, to give them the best education the time afforded, and in so doing set them a wonderful example of self-control, self-denial and self-sacrifice. Everything else was subordinate to this high ideal, and they denied themselves everything to accomplish it." Of that period he said, "I cannot recall my father ever taking a holiday, except for one hot afternoon in the Summer, when he drove the whole family in a carryall to Phillips Beach for a sail and a fish supper. All the rest of the time, Summer and Winter, was devoted, without stint, to constant work.

"Social enjoyments," said he, "were very limited. Our family life was in striking contrast to that which prevails among well-to-do people to-day; but they succeeded to a very remarkable degree, and gave their children an inheritance which was far more precious than any amount of wealth would have been. Many a time have I seen my father pay out what was nearly his last dollar for the settlement of our college bills, and all he had to give us by will was a hundred dollars apiece, but his triumph was of the most signal character, for the Harvard College annual catalogue of 1848-49 contained the names of all his four sons, one a medical student, one a senior, and two freshmen, and when I recall that all this was accomplished out of his narrow professional income, when his ordinary fee for a visit was seventy-five cents, and $7.50 for

bringing a new child into the world, it is hardly possible to conceive how he could have done it.

"But they had their reward in the success of their sons and daughters, and their most fervent gratitude. I remember that when my brother William and I graduated at Harvard in 1852, William was the first scholar in the class, so much so that there was really no one second. The faculty, with an unusual manifestation of sentiment, gave him at commencement the valedictory oration, which was his as a matter of right, and to me, although I was only the fourth scholar, the salutatory oration, which did not belong to me at all, so that we sandwiched the class between us in the exercises of that day. When my mother appeared, with her characteristic modesty and shyness, Mrs. Sparks, the wife of the President, greeted her with the question:

" 'Why, Mrs. Choate, how did you come up from Salem?'

"My mother replied: 'I came in the usual way, by the train to Boston, and to Cambridge in the omnibus.'

"Mrs. Sparks exclaimed, 'You ought not to have come in that way, you ought to have come in a chariot drawn by two peacocks. Such a thing as this has never been known before in the history of Harvard—two brothers sandwiching the class on the commencement program.'

"I suppose there may be many similar examples of parental devotion and self-sacrifice among us

to-day, but they are not apparent. In those days the rule was duty first and pleasure afterwards, and if duty occupied all the time it must be performed at all risks and let pleasure go. . . . At any rate, the old way created an indissoluble bond between parents and children, and I have never made any important decision without wondering what my father and mother would have said about it."

The Choate family is one of the oldest in New England. The name seems to have been a very old English name spelled, exactly as now, in the English annals as early as the fourteenth century. One who bore the name Thomas Choate entered in the seventeenth century Christ College at Cambridge University in the same year with John Milton, 1624, remaining there until he took his degree with Milton in 1629. To have been in the same little college with John Milton continuously for four years must have insured to him a liberal education. The earliest ancestor, John Choate, became a citizen of Massachusetts in 1667. His grandson, also named John, was a member of the Massachusetts Legislature from 1747 until 1761, and a member of the Governor's Council for five years following. David, a son of John, and the father of Rufus Choate, was not trained in the law, but, it is said, that having a suit pending in Court, and his counsel not being present, he managed the case himself, examined his witnesses, riddled the testimony of adverse witnesses by cross-examination, followed up with a sound and eloquent argument and won his case.

Joseph H. Choate was born at Salem, January 24, 1832. His father was a cousin of Rufus Choate, who was then just entering his second term in Congress. In speaking of his birth he said: "I have never had my horoscope cast, but it must have been propitious to account for the cheerful temperament which has marked my whole life, always looking on the bright side and making the best of everything as it came, which has been in itself a great fortune, worth more than many millions." He was the fifth child and the fourth boy, the oldest not yet five, and nurses for children being almost unknown in those days, he was intrusted to the care of a Mrs. Law with whom he lived for seventeen months. The reason he gave for being removed from the paternal roof so summarily was that all the other children had the whooping-cough, which was believed to be fatal to newborn infants, and explains his long residence with Mrs. Law on the theory that he was regarded at home as one too many, who would be only in the way if returned to the parental mansion.

In referring to this long separation from the family, he said that there was once a malicious suggestion that in some mysterious way his identity was changed, and that he was a changeling after all, but he remarked that one had only to look at his mother's features, which were exactly like his own, to see how groundless this suspicion was. It had its origin in the fact that he was really quite unlike the rest of the children in temper and in disposition.

But he was not long to enjoy the domestic felicity of home. The sooner children were sent to school in those days the better it was for all concerned, and it must have been a great relief for a great part of the day when all the five children were in school. At the early age of two and one-half years he accompanied his brother William to the Dames' School, which he attended until he was seven years old.

The Dames' Schools were a peculiar and very important institution of New England, and had been so from their foundation. Each was entirely independent, related in no way to any other school, and contributed substantially to the support of otherwise helpless dames, and to the welfare of their little charges. The tuition fees must have been infinitely small. And yet they constituted all that his father ever paid for his education until he entered Harvard College. It was very primitive in its educational advantages, kept by an aged spinster, Miss Lewis, and her widowed sister, Mrs. Strutter, and attended by about twenty boys and girls, the children of the neighborhood. "I perfectly remember," he said, "my first morning at the school when I was put in the charge of the biggest girl among the scholars, who afterwards became a dignified matron of the city, the wife of a distinguished lawyer and the mother of a considerable family. The schoolroom was of moderate dimensions, the boys upon one side of the room and the girls upon the other side. The only punishment

that I remember at the school for any boy who misbehaved was to be compelled to sit among the girls. This was a little awkward at first, but I soon got used to it, and liked it very much. It was like a modern kindergarten without the apparatus, but we did learn to read and write and cipher. I cannot recall the time when I could not do all of these things. Mr. William M. Evarts, with whom I was long associated, is recorded in the life of his father as being able to read the Bible perfectly well at three years of age. I do not think that I was quite equal to that, but certainly had begun to read at that age.

"The surroundings of the school were attractive. Across Sewell Street, where it was situated, within a stone's throw of my father's house, there was a wheelwright, and it was great fun for the children to gather about this skillful mechanic and watch his work. His name was Ira Patch. At the corner, as we turned into Sewell Street from Essex Street, was quite a noted hardware store kept by Jonathan Peele, and his shop window, with its wonderful collection of all kinds of hardware, was a constant attraction. But best of all, in immediate contiguity with the schoolhouse, was a famous blacksmith shop, kept by Benjamin Cutts, whose forge in active operation it was a daily delight to watch. He was something more to us than a mere neighbor, for sometimes, when one of the boys who was constitutionally refractory became unmanageable the schoolmistress called out: 'Send for Mr. Cutts; send

for Mr. Cutts!' and the sturdy blacksmith came to the rescue and suppressed the offender."

The town schools, at that time, were in an extremely rude and primitive state, very much as they must have been for two hundred years at least. "I remember perfectly well," he said, "being taken by the hand by my father, the morning I was seven years old, to the public school—an alarming experience indeed—for the master, Abner Brooks, had the reputation of being a perfect terror. He was a weakly man and made up for that infirmity by a liberal use of the cowhide, which he applied very freely.

"The Central School, as it was called, was in Washington Street, kept in one large room, where there must have been about fifty boys, from seven years old to fifteen. We sat on benches which stretched across the room from front to rear with an aisle between, on a sloping floor, and as the youngest boys were on the back seat, we were marched up in the face of the whole room to our place there; it was really a terrible experience.

"All the teaching was done by this one man, who heard the successive classes recite from nine to twelve in the morning and from two to five in the afternoon. At the close of every day a group of offenders were stopped after school to receive the application of the rod, and this was in addition to the use of the long rod which would reach the backs of half a dozen boys on the same bench, and was applied from the central aisle.

"On the whole it was a pretty brutal affair. There were no games and no recreation at the school. The only thing that might be so considered was when a new load of wood came; the best boys were allowed to get it in, which was regarded as a special privilege. Certainly there must have been much waste of time in the years that I spent at that school.

"The master had no special gift for teaching. It certainly was a dreary routine with little to mitigate the rudeness and dreariness of it. But, now and then, when our school-teacher felt uncommonly well, he would make us a little speech, and say that hereafter he was going to rule by love, and as proof of it he would cut up both his cowhides and have them burned up in the stove. But in a few days this did not prove satisfactory, and new rods were purchased, and never spared for fear of spoiling the children.

"Happily for us all, Horace Mann soon came to the rescue and convinced the people of Massachusetts that decent and sanitary schoolhouses, humane treatment and skilled teachers, really qualified for their task, were the best investment that the State could make."

One of his most characteristic and charming addresses deals with his youthful days in Salem. There is an intimacy of thought, and a chasteness and simplicity of expression, which impart a beautiful touch of manly feeling to his recollections of childhood associations and

surroundings, making it altogether unique and delightful.

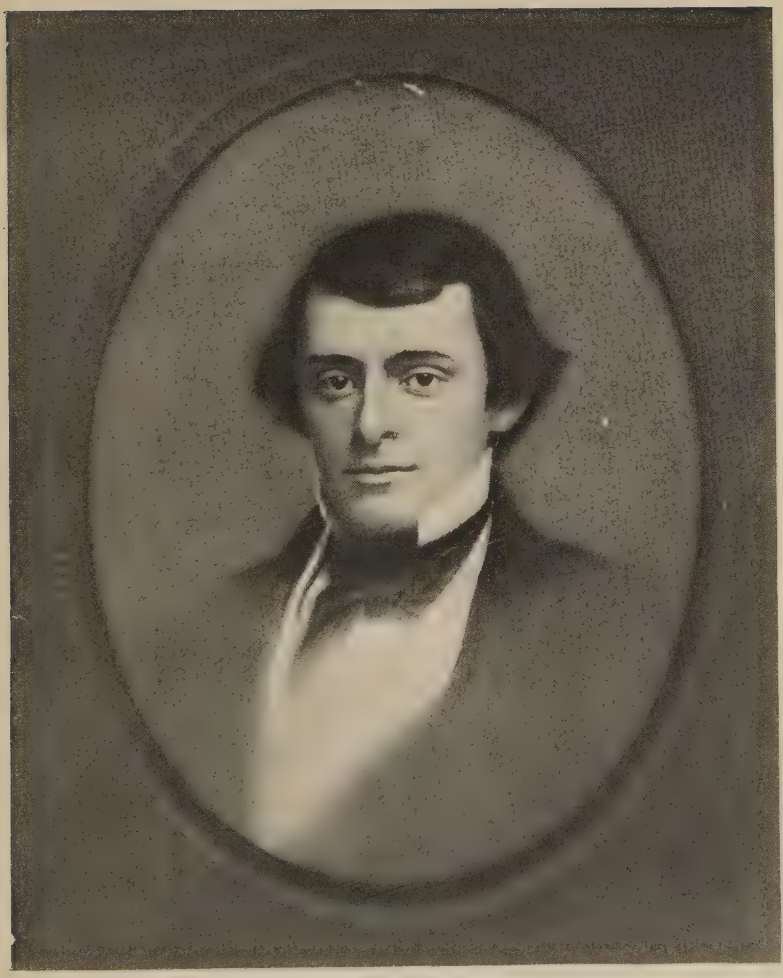
He gives us with unusual charm and simplicity something of his school-day life in Salem:

"In those palmy days of Salem, Mr. Chairman, when I was a child, education was no joke. The business of life begun with us in earnest as soon as we had learned to speak. There was no playing or dallying with the children until they were seven or eight years old, as is now often the case. At three years old the great business of education must have been fairly started. Why, sir, I perfectly remember at the age of two and three-quarters being led by the distinguished judge of the District Court of the Southern District of New York (his brother the Hon. William G. Choate) who had then attained the ripe age of four, and who I may say in passing, even then exhibited those marked qualities of judicial mind and character which have recently attracted the attention of the President of the United States—being led by him to that ancient seminary for beginners in Sewell Street, adjoining the blacksmith's shop of Benjamin Cutts, which as far surpassed modern kindergartens as these excel the common infants' school. Well, then, at the age of seven the boys of Salem of this district were transferred to the Central School in Court Street, under the shadow of the old Court House, to be thrashed for the period of three years under Abner Brooks, of blessed memory. Felt, in his *Annals of Salem* has made one curious and inexcusable blunder

which, for the truth of history, I wish to correct. He declares that the whipping post that used to stand in the rear of the old Court House was not used after 1805. I know better. I can swear from personal knowledge that it was still in active use in 1839, and can show you the very spot. Well, then, we were transferred to the High School under the gentle, the patient, the ever faithful Rufus Putnam, the best model of perfection in a teacher, I believe, that even Salem has ever seen.

"And last, not least, came that glorious old establishment on Broad Street, the public Latin School, the *schola publica prima,* which had stood from the foundation of the colony, which sent George Downing, who proved to be one of its worst boys, to Harvard College, to join its first class, and which has sent a long procession, two hundred years long, of the flower of Essex chosen from the homes of Salem, to graduate at Harvard College; and at last, after our time, was merged in the High School."

His subsequent training and surroundings emphasized and strengthened these early influences. Progressing through the High School he found his pathway leading, as was to be expected, toward the classic shades of Harvard. For Harvard, and everything pertaining to it, he always manifested deep interest and affection. Here he found most valuable training in association with his brother, Judge William G. Choate, and James C. Carter, who preceded him by two years, and with whom, in



Harvard '52 Class Picture

these student days, was laid the foundation of an intimate friendship which survived the strain of many well-fought legal contests, and the often aggravating differences of professional life, and left its chords unbroken until severed by Mr. Carter's death. He gives us an interesting picture of Mr. Carter in their Harvard days.

"When I entered Harvard College in 1848 Mr. Carter, who had already been there for two years, was a very marked man among the three hundred students who then constituted the entire community of that little college. To very commanding abilities he added untiring industry, and to lofty character most pleasing manners, a combination which made him easily foremost. He was filled with an honorable ambition, and took all the prizes; he took an interest in the public questions of the day and cultivated the art of speaking with discriminating assiduity; he was a devoted admirer of Mr. Webster, who did more than any other man to kindle the patriotism and arouse the national spirit of the younger generation, and I always thought he modeled himself upon that noble example in style, in expression and in the mode of treating every question that arose. Indeed in his last years I regarded him as the last survivor of the Websterian school. . . . From lack of means Mr. Carter found it a hard struggle to go through College, and even to enter it. For this reason he came two years late. Having, I believe, engaged in some commercial employment to enable him to enter, he did

not hesitate to avail himself of the generous aid of an admiring fellow townsman, who recognized his great qualities, and meant that they should not be lost to the world. . . . Seeing his manifest ability, his spirited and attractive personality and his sympathetic interest in all our college affairs, we all recognized him as our leader, and he exercised a potent influence upon all his companions. He was made class orator at commencement, and entered upon life with assured prospects of success."

In his address at the memorial meeting in New York in honor of the late Phillips Brooks, he paid a beautiful tribute to his memory, and drew a charming picture of him in his college days. He said of him: "We were college boys together, and I knew and honored and loved him. Well do I remember, as if it were but yesterday, when my eyes first rested upon him as he entered the Chapel at Harvard College in the freshman class forty-four years ago, a tall and slender stripling, towering above all his companions, with that magnificent head, that majestic face already grave and serious, with those great brown eyes lighting it, beaming with brotherly love and tenderness."

Although below his brother William in rank as a scholar he was, nevertheless, rather more prominent in College. He was agreeable and popular, and known as an easy and pleasant speaker, cultivating the conversational in oratory, and being one of the pioneers of this mode of addressing an audience. He was a member of the Hasty Pudding,

Alpha Delta Phi, the Institute of 1770, and at the end of his course, like his brothers, Phi Beta Kappa. During his senior year his room was Holworthy 21.

He was under three presidents, Everett, Sparks and Walker. Among the professors was Professor Webster, who was afterwards convicted of murder; Rev. Frank Francis who prayed so long that it was a saying of the students that when he got going he could not stop, and that one of his familiar prayers was "Oh Lord, we pray thee make the intemperate temperate, the insincere sincere, and the industrious dustrious." There was the never-to-be-forgotten Evangelinus Apostolicus Sophocles, Professor of Greek; Edward T. Channing, Professor of Rhetoric; Francis J. Child, of History and Elocution; Dr. Beck, of Latin; Cornelius C. Felton, of Mathematics; Professors Henry W. Longfellow, Louis Agassiz and Asa Gray.

Speaking recently to Harvard men he said: "I am convinced that our *alma mater* is more youthful, more vigorous and more prolific than ever. The President has stated in his annual report—which I always read when preparing for this occasion—that every year it is becoming harder to get into Harvard College, harder to stay in it and harder to get out of it."

Among those who were in the first eight with him in the class of '52 were Addison Brown, subsequently Judge of the United States District Court; Decia Collins, who fought on the Confederate side in the Civil War; Honorable Darwin E. Ware, who

died a few years ago; Horatio Alger, Jr., well known as a writer of books for boys; William R. Ware, Professor of Architecture in Columbia College; Horace H. Coolidge, President of the Massachusetts *Sun;* E. F. W. Gurney, famous as a member of the Harvard faculty; David W. Cheever, eminent as a surgeon; and James B. Thayer, of the Harvard Law School. From College, the way of the New England aspirant for legal training led, most naturally, to the Harvard Law School. Here he sounded the depths of legal learning under notable instructors. Concerning these he said to me:

"In the Law School were Joel Parker, formerly Chief Justice of New Hampshire, so tremendously profound I could not get anything from him. Theophilus Parsons, the son of Chief Justice Parsons, of Massachusetts, was a wit, and illustrated his points of law by amusing stories. These I remember. Professor Loring, as United States Commissioner, sent the negro Burns back to slavery. One of his favorite sayings was that 'husband and wife are one, and that one is the husband'." Among his classmates were his brother, William G. Choate; Judge Addison Brown, of the U. S. District Court for the Southern District of New York; Professor James B. Thayer, whose treatises on evidence and on the Constitution attained wide celebrity; and others were U. S. Senators William E. Chandler, of New Hampshire, and James B. Eustis, of Louisiana.

I told him I wanted to get some facts concerning his life at the Harvard Law School. He replied:

"There was nothing of interest there; all we had to do was to go to Holworthy once a day and wear out the seat of our trousers."

About this time Dr. Fowler, the famous phrenologist, was examining students' heads, giving them charts showing their peculiarities and advising them what life work to pursue. Choate had already matured his plans to study law, and his peculiar gifts in that direction were universally commented on in the College. One day he suggested to a classmate that they have their heads examined by Dr. Fowler, just for fun. Fowler's advice to Joseph Choate is one of the immortal jests of that selected coterie that meets at class reunions and lives over the old days. "I advise you, sir," quoth the phrenologist to the young student, after examining his bumps, "to become a merchant. I find that you are fitted for that sort of life."

"Well, supposing I should study law, what then?" asked Choate.

"Oh, I wouldn't do that," replied Fowler with increased decision. "You will make a great failure if you do."

Subsequently, he spent a year in the office of Leverett Saltonstall, a distinguished Boston lawyer, whose memory he has embalmed in an interesting address included in his book *Abraham Lincoln and Other Addresses.* During his tutelage under Mr. Saltonstall it was one of his duties to take the papers in cases to the Court for use by his senior. As he was proceeding to Court, with a large package

of papers contained in the traditional green bag used by the Boston Bar, he was accosted by a son of Israel with the query: "Old clothes?" "No," he replied, "a new *suit!*"

Recognizing the larger field afforded by New York for the pursuit of his professional career, he determined to forsake New England surroundings and enter upon the life of a New York lawyer. Induced to this, quite likely, by Mr. Carter who, in 1853, had received an attractive offer to enter upon practice in the city of New York, Mr. Choate began, in the following year, to study the code in the office of Scudder & Carter. Perhaps, however, this was an experiment, and not a settled purpose, and he may not have reached a final decision as to the field of his labors until he delivered to Mr. Evarts a letter from Rufus Choate set forth in the preface to his book *American Addresses.* This letter dated at Boston, September 24, 1855, said:

"My dear Mr. Evarts:

I beg to incur one other obligation to you by introducing the bearer, a kinsman, to your kindness.

He is just admitted to our Bar, was graduated at Cambridge with high honors, all work. He comes to the practice of law with extraordinary promise. He has decided to enroll himself among the brave and magnanimous of your Bar, with a courage not unwarranted by his talent, character, ambition and power of labor. There is no young man whom I love better, or from whom I hope more, or as much,

and if you can do anything to smooth the way to his first step, that kindness will be most seasonable, and will yield all sorts of good fruits.

Most truly your servant and friend,

Rufus Choate."

The letter was productive of larger and better results than any which lofty ambition, or vivid imagination, could have contemplated. Entering the office of Butler, Evarts & Southmayd in 1855 he remained there as an employee until 1859. Mr. Evarts was then only forty years of age, but occupied a commanding position at the Bar. Mr. Choate stated in one of his addresses that his most valuable experience was gained in the ten years he followed Mr. Evarts about in the Courts, in the trial of cases and the argument of appeals; but, of course, Mr. Evarts relied upon Mr. Choate for the preparation of the cases, and for the performance of the routine work which belongs to junior counsel, and this was an exceedingly advantageous experience for both. In an address on 'the New England Society in 1855,' he alludes feelingly and with great beauty and force to Mr. Evarts, as follows:

"What a splendid example of New England culture and New England training was Mr. Evarts. I owe him more than words can tell. My connection with him was very close from my arrival here in 1855 until his death in 1901. I brought to him a letter of introduction, such as I have described, from Rufus Choate, who was then at the very zenith

of his fame. A few years before he had delivered before this Society his famous oration, of which the refrain was 'a Church without a Bishop and a State without a King'. He was most beloved and most honored by all New Englanders, as well as by the rest of the country. When I handed that letter to Mr. Evarts he took me by the hand and said: 'Join the New England Society and come into my office,' and my future was made. My first steps were made unusually smooth by him. What a great professional career he enjoyed. How he leaped to the front almost at the beginning of his life here in 1840, and maintained his place to the end against all competitors, and with the entire confidence of the profession and the community."

He had been with Mr. Evarts for about four years when he formed an association with General W. H. L. Barnes, an excellent lawyer. He was with him a year when Mr. Evarts wrote inviting him to become a partner in his firm, and informed him that the office business, outside his counsel business, would probably yield about $20,000 a year and that he should have 15 per cent. of this amount, so that he began his career on $3,000 a year. General Barnes then left New York, and went to San Francisco, California, where he became a leader of the Bar.

Mr. Choate was a typical New Englander. He was nurtured and educated under New England influences, and imbued with New England characteristics; he was a graduate of her schools; a

disciple of Harvard; he gloried in his New England birth and New England associations. In his earlier years, he contributed generously of his time and effort to the welfare of New Englanders in the city of New York, at whose annual dinner his wit and eloquence, among the masters of American oratory, were prime attractions, and contributed largely to the success of the occasion.

His early life was passed in the center of what may be called New Englandism. If Boston is the "hub" of New England, Salem may be described as the "hub" of New Englandism. Here, surrounded by characteristic traditions of New England life, he was imbued with their spirit and received the impress of their influence. He felt, as was natural, deep affection for "Imperial Salem," as he called her, and took pardonable pride in his early association with that interesting city, to which he refers as "so queer, so unique, so different from all other places upon which the sun in his western journey looks down, so full of grand historical reminiscences, so typical of everything that has occurred in the annals of American life." . . . It was this love of Salem that led him to name his beautiful country home at Stockbridge "Naumkeag," the Indian name of the Salem locality.

In an address at Salem he said:

"Of course, Mr. President, it requires great forecast for a man to select a birthplace of which he shall always be proud; but he must, indeed, be an

unreasonable creature who, having America for a Continent, Massachusetts for a State, Essex for a County, and Salem for a native Town, is not entirely satisfied. Of course a man born anywhere can get along somehow. I suppose that the native of Topsfield, of Middletown or of Beverly, if he repents promptly, and moves into Salem, and does well there, may plead some excuse for his original sin, and if he be of a lively imagination will even begin to boast of it. Why, Cicero boasted of being born at Arpinun, and Rufus Choate on Hog Island; but it was after one had become the great orator of Rome, and the other of Boston, and so by their own fame, as it were, had extended the boundary of the cities of their adoption to embrace the humble but, thanks to them, historic places of their birth."

He likes to think of Salem men as different from other men, possessing traits and characteristics peculiar to themselves. He tells us:

"And so it is that you may know a Salem man wherever you may be, the world over. He carries about him a little "auld lang syne" that says where he comes from. Sometimes it is in the cut of his jib and sometimes in his coat; sometimes it is the way in which he cuts across the street corner, always slanting, never at right angles; or from his style of shortening things, or the way he utters some familiar word. He never takes off his c-o-a-t but his cote; he never rides upon the r-o-a-d but

always upon the rode, and if he should pick up a final g in "ing" you may be pretty sure that some of the Salem people are the unfortunate ones who have dropped it; but if you can hear him say "git" of course you will know his very origin, and almost the street from which he comes. Now, in this family meeting, as an illustration of this subject, perhaps you will pardon me for telling a little personal anecdote.

"A short time ago I was arguing a case in our Court of Appeals in Albany with some earnestness, and there sat by me a gentleman bred and born in the South. He listened with attention, and when I got through he congratulated me, but said, 'I would have given $100 if you had not said "git." ' Well, Mr. President, how could I help it, Governor Endicott said it, my progenitors in this town have said it for 250 years, and so I believe it is more than half right."

Through the many years of his life in New York, he was remarkable for a manifestation of real New England spirit and character. New York influences seemed powerless to change him in this respect. He was never so much a New Yorker as a New Englander. His New England traits were not much modified, nor his New England idiosyncrasies worn off, by contact with New York and New Yorkers. It would not be surprising if he considered himself a victim of circumstances in that his lot in life had been cast in New York, and regarded it as merely

his residence, while his home was Salem. No one can read his Salem address and fail to realize that in point of real sentiment it had the first place in the recesses of his heart. His characteristics, his practical and moral qualities, were those of the New Englander. He had, at all times and everywhere, a spirit of Yankee independence. He lived his own life, pursued his own methods and ideals, possessed the courage of his convictions, expressed his sentiments fully and freely, undeterred by effect of consequences, and disregarded unnecessary conventionalities. Perhaps he was a little too independent, and too much inclined to mingle with his independence some of the ridicule and badinage of which he was a master, and this may have been in part responsible for the unwillingness of political leaders to seek him as a candidate for such positions as Senator or Governor. His independence alone may not have been responsible for their neglect; but it is altogether possible that the unguarded jest which strikes the vulnerable point leaves a wound often worse than that of the physical blow, and is not always healed by time.

Mr. Choate displayed certain outward qualities which presented a very unusual and interesting combination of traits of character. One of these, his bonhomie, would impress itself upon a stranger at the first glance on meeting him. His cordiality, his geniality, his bright and cheerful words of greeting, his buoyant and hopeful nature, accustomed to look on the bright side of everything,

lent to casual intercourse with him a most delightful charm. These qualities effused a beautiful light, and were gifts of nature. They made the exterior exceedingly attractive. When penetrated, however, the more matter-of-fact qualities of human nature were not lacking. He possessed, abundantly, certain characteristics of the genuine New Englander inherited from a Puritan ancestry, which made the Puritan strong and self-reliant, enabling him to cope with the adverse conditions of his time. There was a reserve and formality which forbade familiar approach. The lawyers spoke of him as "Joe Choate" but I do not think any lawyer ever called him "Joe." There was a certain air of pride and exclusiveness which gave the impression that he regarded himself as somewhat of an aristocrat, and this prevented him from being, what he never was, a man of the people. This was probably responsible for attributing to him a certain exclusiveness which deterred old acquaintances from seeking familiar intercourse with him, lest they should be repelled. He was born and bred a New England Unitarian, and beneath his bonhomie was the austerity and formality which characterized New Englanders of that persuasion. He could, when he chose, be cold and repellent, he could he hard and unyielding, and he could use cutting wit and shafts of ridicule to an extent which at times would arouse animosity and resentment; but such occasions were exceptional and justified by strong provocation.

On the whole, I do not think that Mr. Choate in his fundamental make-up was very different from the great body of successful lawyers who have won their position by what he called "fighting in the Courts" and with it the necessity of insisting on the rights of their clients, the tendency of which is to smother generous instincts. But these characteristics were, as I have said, covered by a beautiful robe of bonhomie, and brilliant wit, which rendered the sterner qualities of the successful lawyer less conspicuous.

In his mental and moral composition there was undoubtedly considerable of what may be called New England granite. He would not have been a genuine New Englander without it; but when the delightful bonhomie was penetrated it was the same in quality and character as that of his New England forbears. This combination of the outwardly attractive and of the inwardly firm and unyielding were essential elements of his wonderful success, and served, as one of his partners remarked, as a valuable defense against easy familiarity and efforts to impose on him, which his outward graciousness were likely to encourage.

He also possessed the practical and everyday qualities of the New England Puritan. He at all times urged the necessity of industry, persistence and perseverance, and displayed the Yankee spirit of resourcefulness and thrift. He knew the value of work. He appreciated the importance of "never give up the ship," and possessed that New England

thrift which enabled him to manage with success his private affairs, respecting which, it has sometimes been said of lawyers, that they neglect their private affairs to protect those of their clients.

Then, again, he had the moral qualities of his Puritan ancestry. The chief of these was, I think, his New England conscience. This was his mentor, he did not lose sight of it, he heeded it, he paid attention to its dictates upon moral questions, and with respect to professional ethics he followed the teachings of a genuine New England conscience. This, naturally, brought into action in his daily life rectitude of conduct and a keen sense of duty. As a result, his opinions, founded upon conscientious convictions, were expressive of high moral sentiments respecting questions of public and professional life, and controlled his action with regard to them.

His natural impulses were undoubtedly kind and generous and led him to consider the feelings and rights of others, and look with allowance upon the follies and frailties of human nature; willing to yield personal preferences, and concede to others freedom to do as they chose, so long as they did not invade his individual rights. He was not one whom individuals would be likely to seek out for sympathy and consolation in times of trouble, nor to whom personal confidence would be imparted, as to a helpful and warm-hearted friend. His nature was, I think, not calculated to enter into the troubles and confidences of others, in bestowing sympathy

and advice. His tendency and natural disposition was to make light of them, and cast them aside as of no great consequence, instead of offering sympathy and encouragement, and pointing a way out of a troublesome situation.

His New Englandism found an outlet for its most attractive manifestation at the festivities of the New England Society. The dinners of the Society in the sixties were characterized by early hours and puritan simplicity, and differed greatly from those in the nineties and in later years. "Feast of reason and flow of soul" were the prime objects. Those were the days of great orators, such as Rufus Choate, Beecher, George William Curtis, Sumner and Storrs, and yet, among them, Mr. Choate, scarcely thirty-five, to whom Mr. Beecher alluded as "our venerable President," found with his familiar and easy style, his graceful diction and lambent wit, a prominent place.

On December 22, 1866, the dinner was in Irving Hall at the corner of Fifteenth Street and Irving Place at half-past five o'clock in the afternoon, and having been served by eight o'clock, the President arose to address the Society.

The earliest recorded instance of Mr. Choate taking a prominent part in these celebrations was at this dinner. He was chairman of the Committee on Arrangements and, of course, not on the regular list of speakers; but when the toast to the Army and Navy had been given with three cheers, there were loud calls for Mr. Choate, and, in response, he

captivated the assemblage by a graceful address which began as follows:

"I know not to what unlucky circumstance I am indebted for being thus ruthlessly dragged from that quiet corner where I had found retreat to this conspicuous post of danger, for it is, indeed, a post of danger, if it is true, as we read in the Scripture, 'that for every idle word we must give an account at the day of judgment,' where I shall then find all of us after-dinner speakers, whether we be clergymen, lawyers, senators or merchants. Our tally will be scored up on that last day of such fearful length that no amount of grace and good works can wipe it out."

The recently elected Governor of Massachusetts, Governor Bullock, was present, and made a speech. It was natural that Mr. Choate, being among New England men, many of them from Massachusetts, should allude to the distinguished guest, which he proceeded to do in these words:

"And now, Mr. President, before I go, let me thank glorious old Massachusetts for sending for the first time in a score of years her chief Magistrate to grace our board. He is the successor of a long and glorious line of chief Magistrates, beginning with that patriot and sage, John Winthrop, whose face graces our walls; and ending with that other matchless and noble patriot, John A. Andrew.

His election and elevation is another evidence that the people of Massachusetts are true to the lessons they have learned at Plymouth Rock. The first great lesson there taught us was to read and cherish the teaching of the Bible. Everybody who has read New England history knows that in all great crises our forefathers went for aid and instruction to the Scripture. Was an offer of marriage made, the Scripture was consulted whether the lady should accept. Was a child born, they opened the Bible to see what name should be given to the little comer, and they always gave high-sounding Scripture names. When a Governor was to be elected, they looked for aid to the Scripture, and these peculiarities of the New England people have continued to characterize them. Last Fall, when Governor Andrew was about to retire, the people again took up their Bible and learned from it as they had done of yore, who was to succeed him. They found in the twenty-fifth verse of the eighteenth chapter of the first book of Kings the words of the good, old, logical Elijah, spoken, it is true, at the moment, to the prophets of Baal, 'choose you one Bullock for yourselves.' "

From that time on, for many years, at these dinners, he was a prominent attraction. Governor Morgan, President of the Society, was unable to be present at the dinner of December 23, 1867, and Mr. Choate took his place. He alluded in a delightful way to the affairs of the Society as follows:

Birthplace Joseph H. Choate, Salem, Mass., Built in 1773

"I believe, Gentlemen, that it is usual on these occasions for the presiding officer to give some account of the condition and prospects of the Society. I have, unfortunately, mislaid the treasurer's report, and have forgotten all the statistics, but, as fully as I can make it out from memory, the sum and substance of that report is that the Society has of late started on a new course of usefulness and strength; our members have recently doubled; we spend more money, and do more good, than in any former period of our history; and, on the whole, are better satisfied with ourselves, in general, than ever before; and that is perhaps as far as that characteristic modesty for which our friend the Mayor gave us credit, will permit us to go." Among the subjects touched upon by him was that of long after-dinner speeches. He said: "I have heard of one unfortunate man, in particular, years and years ago, who had such a long tale, a tale so full of episodes to relate, that before he got through he was a perfect illustration of the dog who although he went around and around again never could get his tail in his mouth. I submit, gentlemen, for your benefit, and for the benefit of the eloquent men who come after me, that the true rule on an occasion like this is the one General Israel Putnam laid down for his boys for the discharge of their weapons, 'to bring your audience as close up to you as possible, to fire when you see the whites of their eyes, and then not play with the trigger any more.'"

In 1868 he had been elected President of the Society and this called forth, of course, a manifestation of his playful wit. Here is a part of his opening address: "And now we meet as the New England Society celebrates its grand climacteric on the anniversary of its birth, in the city of New York, to look about us and see exactly how we stand, for we know that that exact age of life is the critical period, and henceforth we must stand and fight and must do or die. It is now sixty-three years since our predecessors in this great metropolis, feeling the want of that mutual protection, and mutual admiration, which makes life an assured blessing, banded themselves together to protect themselves against the representatives of other nationalities, who were always seeking a hostile foothold in the same community. Well, all we can say about it now is, that here we still are, and that the trade in Yankee notions is not by any means exhausted. [Laughter.] I know that they are in the habit of turning the cold shoulder to us in the press, and not seldom in the pulpit, and more especially at the meetings of those kindred nationalities. [Laughter and applause.] They suggest that home is the best place for the New Englander, as for everybody else. Well, we agree to that, and take their own precepts, and endeavor to put them into practice, for you will bear me witness that it is, in the first instance, for every genuine New Englander to make himself perfectly at home, wherever he goes [shouts of laughter and applause], and we

have never carried that out more practically than in this great metropolis of New York; at the same time we mean to be very modest about it. [Laughter.] We disclaim all credit for New England in those features which make New York a peculiar city among the other cities of the realm. [Laughter.] For instance, neither society nor politics are modeled upon the school of the Mayflower. [Laughter.] The administration of her affairs does not partake of our methods [great laughter], even the great successes of her municipal body. (It should be noted that the condition in New York was at the time extremely unsatisfactory and discreditable and the sentences which follow are in allusion to this.) For instance, this thorough cleaning of the public streets and avenues [laughter], the speedy and economical erection and completion of her public buildings [renewed laughter], the tidy and creditable appearance of her wharves and piers [laughter] and the wholesome and appetizing condition of her public markets [laughter], all these are accomplished without any aid from New England. [Shouts of laughter.] Even the administration of her public Courts scorns to borrow any luster from the far-famed jurisprudence of New England." [Laughter and applause.]

'At the dinner in 1870, being again President, he said: "Gentlemen, before proceeding to the regular exercises of the evening I wish to read a brief correspondence which has passed between us, and the original Pilgrim Society, in their great cele-

bration at Plymouth on the Rock itself. I took the liberty yesterday, in your name, of telegraphing to those assembled there the following dispatch: 'The New England Society in the city of New York to the Pilgrim Society of Plymouth; greetings; we have redeemed the original intention of the passengers on the Mayflower to land at the mouth of the Hudson and hope to make up for lost time, and for the treachery of the Dutch pilot who led us astray. We have reclaimed already a fair portion of this wilderness, and hope in 250 years to win back the whole.' In reply, I have received to-day directed to 'Hon. George Partridge, President of the New England Society at Delmonicos,' the following: 'The great West, the capstone of the monument which shall stand in everlasting memory to the fathers of New England.' I suppose that the dispatch that the Plymouth Society intended for us has gone to St. Louis, where there is a society of which Mr. Partridge is the President.''

An occurrence, not unusual in those days, was an accidental extinction of the gas-light, and the Society was obliged to defer its celebration to the following evening. He alludes to this as follows:

''Well, Gentlemen, last night we were driven out in our honest intention to celebrate the memory of our fathers by what proved to have been an explosion of gas. A strange result followed from such a cause, in such a company, when we supposed that we had been attending New England dinners, in constant succession, to better advantage. I trust

the ignominious circumstance will never be repeated, but unless there be any here of weak lung, of those who made up the company of last evening, I advise them now and here to immediately withdraw, for I give them solemn warning that a fresh ebullition of the same dangerous compound is about to begin."

At the meeting on December 15, 1871, having served the Society, in various capacities, for seven years, he alluded to this fact as follows:

"Physiology assures us that once in every seven years the physical man entirely changes his structure, so that at the end of that period there remains not one particle of the fluid, or one atom of the matter which composed the original individual at its beginning, and that the whole man is entirely renewed; so that, in that sense, I may with modesty say, that I have expended the last drop of my blood and the last fiber of my being in the service of the New England Society. Inexorable time, whose noiseless tread and gnawing tooth spare neither presidents, nor as I see, the clergy either, has laid his silent finger upon me, and has given me the summons to join the innumerable caravan of ex-presidents who journey to the dark and silent hall of death; that is one reason for my resignation. Another is that I have, of late, fallen under the discipline of my own worthy pastor, who sits at my side, and he has been teaching me resignation. He told me that I was rapidly approaching that age

when, as the poet says, 'every man must become either a fool or a physician,' and as I could not possibly become the latter, the only escape he knew from becoming the former, at least in the New England Society, was to become a little more serious-minded, to give up those enjoyments we have followed up so long, to remember whose parishioner I was, and what was the number of my pew and to think of the sterner and soberer duties of life."

In the following year, the Society could not get along without Mr. Choate, and he was loudly called for, although not on the list of speakers. The President stated that he had pledged Mr. Choate his word he would not insist upon his speaking but, nevertheless, he begged to say he was still in the hall and the festival would be incomplete without listening to his voice. In response Mr. Choate began as follows:

"This is a greater outrage, and more flagrant violation of neutrality than was ever committed, even by the New England Society, which for more than 250 years has been no respecter of persons, but has always taken liberties with whomsoever it would. I call upon you, Mr. President, to witness that I came here to-night under your safe conduct, and with your solemn pledge that under no circumstances should the seal of silence which, by unanimous suffrage in this Society was placed upon

my lips twelve months ago, be broken. I had supposed that seven years of devotion to the interest of this Society would have entitled me to at least one night of peace and obscurity and that I should be permitted to eat my dinner undisturbed. But when I came around to the President's table, in the early part of the evening, to bask for a moment in the accustomed sunlight that shines there, and boasted that, for once, I had been able to eat a New England dinner in peace and quiet, a sarcastic swain on your left replied that it was the first time for many years that I had given anybody else a chance to say anything at one of these festivals. But, Mr. President, there are examples even for such harsh treatment as this, and this is not the first time that modest merit has been rewarded with ingratitude and oppression. We have read that thousands of years ago Jacob had served seven years for Rachel, and was looking forward with hope to his one night of peace for that enjoyment which should be the just reward of his trials, when his horrid taskmaster turned him once more into the pasture, and bade him renew the labors with which he was already exhausted, and I suppose that Joseph may not complain of treatment that the old world said was 'good enough for Jacob.' "

I attended the dinner on December 15, 1879, at which a number of ladies were present. He responded, I think, to the toast "to the ladies," and indulged in these pleasantries:

". . . I shall not trespass upon your time, but the fair persons in the alcoves behind me remind me that there is yet one tribute that has not been paid, which is due from New England sons. I am sure that not a word has yet been said of the pilgrim mothers, and their fair and worthy daughters. A sense of duty has ever been the active virtue of the genuine Yankee from December 22, 1620, until to-night. The call 'to arms' in whatever form it has been presented has ever received a ready response from him. It was by the pilgrim mothers that the sturdy pilgrims in the perils of the sea, and the still more dreaded wilderness, were called to arms, and the sons of Massachusetts responded when, in four short years of war, out of the million inhabitants of that glorious little State, she contributed 200,000 soldiers and sailors to the Army and Navy of the United States, and I trust that in this last moment of this protracted festival you will respond with equal earnestness, and with equal zeal, to the call 'to arms'—to the arms of the fair daughters of the pilgrims who have too long awaited you."

On December 22, 1890, Mr. Choate again responded to the toast "Forefathers' Day," and the occasion was remembered chiefly for the interchange of pleasantries between Mr. Choate and Mr. Depew. Mr. Choate began his speech as follows:

"Mr. President, and Gentlemen of the New England Society, I thought I was ready to speak, but a

few moments ago Mr. Evarts, who sits at my right, put a fearful damper on my spirts. I was expressing to him my profound admiration for Chauncey Depew. 'Yes,' said he, 'he has got all the brains you want.' I am not insensible to the fact that the bubble of New England dinner oratory has been blown of late years to such a proportion, displaying all the colors of the rainbow, reflecting upon its surface not only the picture of New England which belongs there, but that of the whole country of the rest of mankind, that every year it promises to burst from its own size; then I should like to know what will become of the memory of the pilgrim fathers? Only last week I was waited upon by a representative of one of our great metropolitan dailies, with the polite request that I would furnish him with a copy of the speech that I was to deliver this evening, in order that it might be set up, with the rest, on Monday morning for publication tomorrow. 'God bless you,' said I, 'I have no copy to give you. How can I make an after-dinner speech until I am sure of my dinner? My speech will not exist until the President tinkles his little bell as the signal for me to loosen my tongue, or lose my head altogether.' Well, the same little chap proceeded to argue the matter. 'Why,' said he, 'we have all the rest already, sir.' 'Surely,' said I, 'you have not got Depew's?' 'Oh, yes,' said he, 'we have got Depew's; we have got him cold.' That was a little bit of slang that he did not attempt to translate, but he left me to

understand that he had got him set up in cold type."

Mr. Depew, when his turn came, returned the compliment as follows: "The reporter who called upon me for my speech said: 'I have them all,' as he said to Choate. Said he, 'Have you any poetry in your speech?' Said I, 'No.' 'Well,' said he, 'Choate has and, after reading it, I think Choate must have written it himself.' "

That dinner was remarkable for an after-dinner speech from Senator John T. Morgan, of Alabama, which was of such inordinate length that the patience of the audience was exhausted. Mr. Choate's speech followed this lengthy performance, and he began as follows:

"Mr. President and Gentlemen; by agreement with the distinguished Senator from Alabama I gave him all my time. I had the pleasure of listening to his interesting address, and he has left nothing untouched except what has happened within the last eight or ten days. I had hoped to hear from him upon that interesting subject. I shall not attempt to fill the gap by entering upon even that theme at this late hour."

At one of these dinners I remember that Mr. Choate referred to the Rocks of various countries in these terms:

"Rome had her Tarpeian Rock, England has her Gibraltar, we have our Plymouth Rock, and

Ireland, who must always have something, has her Shamrock."

He once gave a toast to "woman," and it happened that, seated in a gallery, were members' wives and daughters who had come to enjoy the feast of oratory. Mr. Choate, glancing up at them, said:

"Now I understand the Scripture phrase 'thou madest man a little lower than the angels,' and proposed a toast in the following terms: 'Woman, the better half of the Yankee world, at whose summons the pilgrim fathers were always ready to spring to arms, and without whose aid they would never have achieved the historic title of the 'Pilgrim Fathers.'" In his remarks which followed he pictured them as entitled to greater praise than the pilgrim fathers because, he explained, they endured the same hardships as the pilgrim fathers, and endured the pilgrim fathers as well.

In an address before the Society December 22, 1905, he gave, in his characteristic style, a charming account of the annual celebration of "Forefathers' Day" by the New England Society in 1855. This was a notable occasion by reason of a speech by Oliver Wendell Holmes advocating conciliation of the South on the question of slavery. He said:

"We assembled to hear the orator and poet of the evening on the 21st day of December. The orator, Dr. Holmes, was the best embodiment of New England culture and refinement. Tender-

hearted, and unwilling to offend anybody, he delivered a most eloquent discourse, in which he spoke for harmony between the sections of the country, so soon to be divided. . . .

"Dr. Holmes was one of the most loyal and patriotic of men, and no man was more devoted to his country, as the result soon proved; but he never could have dreamed, as he stood there pleading for harmony between Freedom and Slavery, that in less than seven years, immediately after the bloody battle of Antietam, a telegram would arouse him from his slumbers at midnight, telling him that his first-born son, whom he had given to the service of his country, and the cause of liberty, had been shot through the neck, but that the wound was not thought to be mortal; that next morning he would have to start on that famous search for his captain, 'The Hunt for my Captain', and that after a week's journey over hundreds of miles, visiting hospitals and camps and railway stations, that he would find him, at last, among the wounded, in a baggage car entering Hagerstown in Maryland, and should exchange those greetings so characteristic of the self-contained Bostonian, but which he has made so classical and historic. As they came together, the father and the son, their first words were: 'How are you, boy?' 'How are you, dad?'

"When Dr. Holmes sat down, then up rose old John Pierpont, and blew a mighty blast for freedom. Why, you would have thought that his own withers had been wrung by slavery. At any rate, the iron

of slavery seemed to have entered into his soul. I think he must have been in State Street when Anthony Burns was hurried down on his way from the Court House in the hands of federal officers and federal troops, to be carried back to bondage in the South.

"After Mr. Pierpont had most pathetically spoken of the sufferings and troubles of the pilgrim mothers and the pilgrim fathers, he broke out into a splendid apostrophe to the spirit of liberty, of which the pilgrim fathers had been the finest exponents in history, and he concluded with that stanza which he made historic:

'Oh, thou Holy One, and just,
Thou who wast the Pilgrims' trust
Thou who watchest o'er their dust
By the moaning sea;
By their conflicts, toils, and cares,
By their perils and their prayers,
By their ashes, make their heirs
True to them and Thee.'

"Well, next day, came the dinner at the Astor House, which compared with this banquet of yours to-night very much as that ancient and simple hostelry of that day compares with this glorious house of mirth, the Waldorf-Astoria.

"Harmony prevailed there, absolute harmony, in spite of all that had happened the night before. Dr. Holmes had improved the occasion over night to prepare some verses for the reunion, and show how little he had been disturbed by what had taken

place the evening before. Let me read you two or three of his stanzas:

'New England, we love thee; no time can erase
From the hearts of thy children the smile of thy face.
'Tis the mother's fond look of affection and pride
As she gives her fair son to the arms of his bride.

Come, let us be cheerful, we scolded last night,
And they cheered us and—never mind—meant it all right.
To-night we harm nothing; we love in the lump,
Here's a bumper to Maine in the juice of the pump!

Here's to all the good people, wherever they be,
That have grown in the shade of the liberty tree;
We all love its leaves and its blossoms and fruit,
But pray, have a care for the fence round the root.

We should like to talk big, 'tis a kind of a right,
When the tongue has got loose as the waistband grew tight.
But as pretty Miss Prudence remarked to her beau,
"On its own heap of compost no biddie should crow." '

"Well, the night before, Dr. Holmes had told his audience the story of Io, beloved of Jupiter and changed by him into a heifer, to protect her from the wrath of Juno, but Juno was too much for him, and for her, and sent the gadfly to torment Io, and to drive her careering over seas and continents, until, at last, she brought up in the Valley of the Nile, resumed her original form, became the mother of kings, and the founder of a new dynasty, and was ever afterwards worshiped by the Egyptians as the goddess Isis. He had likened to the gadfly the edicts of Elizabeth and of James, which had

driven the Pilgrims, and the Puritans, out of the English Church, and had sent them over the broad ocean to found a new empire. And when Mr. Pierpont found in what a delightful frame of mind Dr. Holmes had come there, in spite of the discomfort of the night before, he responded to his verses with this:

> 'Our brother Holmes' gadfly was a thing
> That Io knew by its tormenting sting.
> The noisome insect still is known by this,
> But geese and serpents by their harmless hiss.'

"And Dr. Holmes immediately jumped to his feet, and replied, impromptu:

> 'Well said, my trusty brother, bravely done;
> Sit down, good neighbor, now I O you one.' "

I do not know how often Mr. Choate has responded to toasts at these dinners, but the instances I have given illustrate his affection for the New England Society, and all that pertains to New England, and the enthusiastic interest they felt for him as one of their chief ornaments, and as a beloved son of New England.

For Harvard, and everything past or present pertaining to it, he expressed reverent affection, mingled with a good deal of badinage and wit at its expense and of its graduates. Among Harvard men he displayed more of the spirit of intimacy and good fellowship than anywhere else. At such gatherings he evidently felt quite at home and less under the ordinary restraints of social and professional

intercourse. His addresses to Harvard men, sometimes at the more formal functions of commencement week, and others in informal, and more distinctively social gatherings, contained abundant evidence of this. He was then seen, I think, at his best. An element of sentiment suffused itself through the occasion, warming his heart, and restoring the youthful feeling of his student days.

A response he made to a toast in his honor at the annual dinner of the Harvard Club, on the eve of his departure for England as Ambassador at the Court of St. James, well illustrates the truth of this. There was a large assemblage of Harvard men, and from the moment of his appearance he was the soul and spirit of the occasion. Among Harvard men, everyone of them his friend, and each bound to the other by the close ties of Harvard associations and memories, he gave free reign to his playful wit. When his turn came to speak, and after he had been cheered to the echo with the "three times three" several times repeated, he began as follows:

"I shall speak to you very diplomatically. [Laughter.] I shall endeavor to conceal as strictly as possible what is working in my own mind. [Long shouts of laughter.] I shall make it as clear as possible that there is nothing going on there. [Roars of laughter.] I am taking here my first lesson in diplomacy. Last night I talked to a great company of lawyers whose first feeling was how glad they were that I was going. [Laughter.] I

speak to-night to a great company of Harvard men whose last thought I hope is how sorry we are. [Long cheers.] I cannot come up to the standard Professor Kitridge has laid down: He said the great object of Harvard was to have men speak freely. Now my instructions are to refrain from speaking in public except on festal occasions. [Laughter.] I do not think this occasion comes within the rule. In the first place, it is not a festal occasion, and, in the second, speaking to Harvard men is not public speaking at all. [Laughter.]

"I did not have the good fortune to be graduated at Harvard under the elective system. There was no system in my time. Those were the halcyon days of Harvard, and there was no such method of education as described by Professor Kitridge, that resulted in a distinct division in each class between the men of ability and the fools. There were no fools in the class of '52. So far as I remember, they were all able men who thought it a virtue once in a while, or quite frequently, to make fools of themselves. [Long laughter.]

"I did not know anything of the elective system, but the present athletic system recently developed at Harvard has done a good thing for me. A great event happened last Fall. We marched into the enemies' country and took possession, and remained masters of the field. It was that event which made it possible for me to accept the great office the President has offered me [laughter]; but for that event I should not have felt at liberty to leave the

country. [Laughter.] I had lived under a solemn vow for years not to leave the country until Harvard had won. When I sat there in the mud and slush and saw from the signals that Harvard was everywhere, I felt the shackles had fallen from my limbs. [Laughter.] But seriously, the old days were the best. Our minds were, at least, not crammed in those days. President Sparks, the greatest President Harvard ever had, left a great motto which makes his name immortal: 'Be to thy faults a little blind, be to thy virtues very kind, but clap a padlock on thy mind.'

"The men in the College were left to take care of themselves and they developed somehow into men who have been a glory to Harvard from that day to this."

It was a very appreciative and graceful tribute to Englishmen, and also a testimonial of affection for his *alma mater,* that led Mr. Choate on April 15, 1905, to present as a memorial of John Harvard, founder of Harvard College, a window for installation in St. Saviour's Church in Southwark, to which John Harvard's father belonged, and in which the boy was baptized in 1607. It was designed by the late John LaFarge, and is one of his finest productions. In the center of the lower half of the scheme he represents the baptism of our Lord by St. John the Baptist, showing in the openings the angels, traditionally supposed to have figured in the scene, waiting to receive the Saviour's garments. Above

the figure composition a purely formal design is worked out, in the middle panel of which is inserted an old bit of glass, long existent in the Church, representing a coat of arms, in which the lion and the unicorn are dimly to be discerned. On the right are displayed the arms of Emanuel College, Cambridge, to which John Harvard belonged, and on the left, the Harvard arms. The idea was not only beautiful in itself, but his plan of carrying it out in such a manner as to appeal to the religious and artistic sense of the worshipers there, made it a noteworthy contribution to the English founder of the university to which he owed so much as his *alma mater.*

On that occasion he delivered an interesting address on John Harvard which, as might have been expected, was the conspicuous feature of the occasion, and will be found in his *Lincoln and Other Addresses.*

If Mr. Choate loved New England, she, none the less, loved Mr. Choate. He was of the finest efflorescence of her training and culture, and afforded a notable illustration of New England characteristics. His life, for many years, was lived at the same time with a galaxy of distinguished New Englanders—Beecher, Sumner, Phillips, Lowell, Evarts, Carter, and others, lawyers, philosophers, historians and statesmen, but among them all he took, at an early age, a high place and, with a luster undimmed by years, sustained her worthiest traditions, and added new honor to her name.

II

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My acquaintance with Mr. Choate began shortly after my admission to the Bar during the trial to a jury of a case of life insurance, in which he represented the plaintiff. It increased in familiarity as the litigation pursued its slow course through the Court of Appeals.* His personal appearance was exceedingly interesting. His slender figure, with a suggestion of the student's stoop; his massive and well-poised head, with its fine brow; his reddish-brown hair, mussed by a habit of ruffling it with his hands; the dreamy expression of his luminous brown eyes; his smooth-shaven face, which, in repose, lacked vivacity, and wore an expression of indifference, but kindled with agreeable and attractive animation when anything occurred to interest him; his manner, free from all assumption of dignity or formality, reflecting, somewhat, the free and easy way of the man of the street; his disregard of particular attention to dress, although always dressed suitably; his somewhat careless and loose-jointed gait; his deportment, suggesting indifference to appearances and surroundings; his accessibility; the absence of formality, apparently

* 62 New York Reports, 642.

encouraging familiarity and friendship, presented to the casual beholder a make-up of singular attractiveness and charm.

His outward demeanor, instead of being characterized by energy and nervous force, created an impression that he had nothing important to do, and did not care much whether it was done or not. This apparent nonchalance and indifference characterized him everywhere.

Possessing remarkable characteristics, association with him was always agreeable. He was never excitable, never ill-tempered, never appeared to be keyed up to make an effort. At all times placid and good-natured, there was also the bonhomie to which I have referred, with its graciousness, its light and delicate touch, its apparent proffer of intimacy. His friendly advances, cheerful comments, play of wit, approachableness, freedom from assumption, absence of all appearance of suspicion and distrust, made an immediate appeal, as though he were an old friend; the result being that he secured important advantages, and yielded nothing. Although the fortunate possessor of these outwardly attractive qualities, there was another side. The charm of his genial and gracious outward traits brought into more striking contrast certain inherited qualities which self-interest called forth in public affairs or professional employment. In his make-up there was a blending of the light and humorous, with firmness and dignity which, besides being unusual in combination, attracted men to him

and protected him from them. He could be unimpressionable and unyielding; and it is well he could be so. In social intercourse, and in his public addresses, one saw only geniality and bonhomie; but beneath was the austerity of the New England Puritan. He was hard-headed and keen-witted. It was useless to attempt to take advantage of his apparent accessibility and friendliness, for, while one was welcome to roam in the vestibule of friendly association with perfect freedom, the approaches to more intimate relations seemed to bear the inscription: "Thus far shall thou go and no further." With all his amiable and attractive outward qualities, which at once drew people to him, he knew how to keep them at arm's length.

His tendency to make light of situations, and let loose his wit and ridicule, produced an impression of want of seriousness which interfered, ofttimes, with taking him seriously when he meant to be serious. When he arose to speak his audience generally expected a laugh.

He at all times was easy-going, an advocate of the *laissez faire* principle, as if it were not worth while to raise issues or start controversies. He, therefore, seldom appeared as a leader in great public crises, or as a reformer of public abuses. In this he was unlike some of his associates who acted on their own initiative and were distinctively leaders and reformers.

He did not arouse public sentiment, but gave it expression. After reforms had been initiated and

inaugurated by others, he undoubtedly rendered distinct public service in espousing them, and in influencing public opinion. In the Association of the Bar, in initiating proceedings respecting the Judiciary, in law reforms generally, there were few occasions when he took any part. Unlike his contemporary, Mr. Carter, who assiduously devoted himself to the interests of his profession by attending and taking an important part in the meetings of the Bar Association, he did not participate in them, except on rare occasions. He evidently felt it unnecessary to enter upon its discussions and controversies. But, far from being an uninterested spectator, he sustained by his personal influence and advocacy the measures best calculated to obtain the desired result.

Mr. Carter, it is said, once remarked that giving Mr. Choate credit for an abundance of excellent qualities, there was lacking in his make-up capacity for moral indignation. This quality made Mr. Carter what he was, a leader and reformer. His moral indignation was aroused by evil tendencies, which others failed to recognize in civic or professional affairs, and led him to act on his own initiative, and point out the way to much-needed reform in such a manner as to enlist co-operation. This capacity for moral indignation and consequent individual action was not so prominently developed in Mr. Choate's nature. But, because of this, he possessed the advantage of being able, calmly and dispassionately, to take a point of view affording a

Courtesy of Frederick H. Meserve

JOSEPH H. CHOATE IN 1864

better perspective, and enabling him to form a more accurate judgment.

A noteworthy characteristic of his relations to his fellow-men was that, in all that concerns the body politic, he was always abreast of the times. In National and State affairs, in philanthropic and social movements his opinion, carefully and deliberately formed, was expressed with conscientiousness, and at the same time with boldness and courage. He could be relied on to do his part as a citizen in all that pertained to the support of causes that had for their object the advancement of the public welfare, or the amelioration of social conditions. This he would do, because he was no cut-and-dried lawyer, no slave to his profession, bound to his office and his cases by bands of red tape, his horizon limited by the courtroom walls, in his outlook on human affairs. He saw rights to be remedied, wrongs to be redressed, social conditions to be improved, philanthropic objects to be sustained, services of public servants to be recognized, and literary achievements to receive due appreciation; and, on all such occasions, his advocacy was sought and contributed generously, and always effectively, to the entertainment but, better still, to the enlightenment of his fellow-citizens. He therefore became, in himself, a recognized institution of New York life.

Although he had unbounded popularity and evoked the admiration of a host of friends, I do not think Mr. Choate was a man of intimacies. The

friend who came nearest to an intimate was, I think, Mr. James C. Carter, but it is doubtful whether between Mr. Carter and himself there was very great intimacy. He did not mingle with his professional brethren, nor with members of his clubs, in free and familiar intercourse. He was diligent and faithful in his attendance at meetings of his clubs, or of his professional brethren, where official duties required it, but so far as mingling in ordinary social intercourse, where the only claims upon him were good fellowship and sociability, he did not seek opportunities of this kind to meet his friends.

Many years ago Rufus Choate, like Lord Bacon, advised lawyers to browse in every pasture, in making all forms of knowledge their own since, in the course of their varied practice, nothing would come amiss. In obedience to his dictum his kinsman has been, and remained, an omnivorous reader. Without a trace of intellectual pedantry, he was able to assimilate the most diverse, and seemingly indigestible mental foods, making them nutritious. His favorite studies were Constitutional and English History. His favorite authors were George Eliot and Thackeray, and he had Shakespeare at his tongue's end. But he read all the popular books of the day—good, bad and indifferent—and found something in everything. Of course, such a method, to attain wholesome results, presupposes and necessitates a trained intellect.

In speaking Mr. Choate was earnest, when not

playful; sometimes in passion, but never declamatory. His voice was tenor in quality, musical, flexible, under control and effective, especially when used in sarcasm. His attitude was easy, informal and unpretentious, sometimes with a hand in his trousers pockets, or a thumb and forefinger thrust into the vest pocket. Affability and dignity characterized his bearing. When asked how he prepared his pleas and speeches, he said, "he thought them out, but seldom wrote them out." The truth is he was always preparing for something in what he read, and heard; and his experiences were tucked carefully away in the pigeonholes of his mind, and labeled as facts, fancies, quotations, or what not, and were readily drawn forth and used. A retentive mind, readiness in repartee and long habit, enabled him to give these accumulations the appearance of impromptu speech.

This was true of all his oratory. If he made a speech at a political gathering, if he responded to a toast at a dinner, if he made an argument before a court, his intellectual resources and his manner and style of expression were so perfectly suited to his audience, and his play of humor so captivating, that they appealed with convincing force to the intelligence of his hearers.

One of the most marked features of his postprandial oratory was audacity. He took liberties, and indulged in personalities, such as no other could have done without serious offense; but his personal allusions, his light and easy badinage, of which

he was past-master, were so good-humored and graceful in quality, so tactful, brilliant and witty, that notwithstanding they might border on undue liberty, this soon disappeared in the general hilarity of the occasion.

"Who is that impudent young man?" asked the astounded and somewhat irate Rev. Dr. Henry W. Bellows at a Harvard dinner in New York years ago. At that earliest of his after-dinner speeches he displayed a quality which scarcely ever failed to reappear in his numerous subsequent performances of the kind. He excelled from the first in a sort of light and fleeting audacity. On the occasion referred to he made fun of the most solemn of the dignitaries before him, to their mingled surprise and horror, and moved the flustered Dr. Bellows to demand the name of the daring youth who could indulge in such tricks of oratory. This form of the *toujours de l'audace* evidently has its limitations, though in Mr. Choate's hands, it produced very great effect.

A prominent instance of this was in a speech at a dinner of the St. Andrew's Society of New York, at which the Earl of Aberdeen, then Governor General of Canada, was present, as its distinguished guest. By way of compliment to his Scotch compatriots, the Earl assumed for the occasion the characteristic dress of Scotland, the kilts and leggins. The bare knees of the Earl attracted Mr. Choate's attention, and he was so audacious as to make the Earl's costume a subject of comment. He said in part:

"Mr. President and Gentlemen of the St. Andrew's Society: Sitting here for the last four hours with the Governor General of Canada—the Gordon of the Gordons—I take great shame to myself that I did not leave off my trousers before I came here. [Laughter and applause.] I do not know what my Puritan fathers would have said if I had so appeared. My impression is that they would have thrown me headlong from the Plymouth Rock, with which the horrors of the Tarpeian are not to be compared. The distinguished Governor General has said that from his early youth he has aspired to join the ladies. Well, I think he has come very near doing it to-night. What is to become of the modern woman, this nobody knows; but, undoubtedly, in the future as in the past, the sexes will meet, and I can conceive of nobody who represents that union so well as our distinguished Governor General. If I had had a pair of Scotch leggins, had I had a Tartan skirt, had I had the royal sporan, empty though it might have been, I would have worn it. [Laughter.] Let me give you a conundrum, Gentlemen. Why is it that the Tartan skirt and the Scotch leggins however long you may wear them are always along parallel lines? If you cannot answer it I will tell you. Because however extended they will never meet. [Laughter.] Well now he has said a great deal about the Scotchmen in New York, and I do but use his words, that the Scotchmen have a good deal to put up with in New York. That is a very fine sentiment, but I believe,

myself, in reciprocity, and I will ask you to answer this question. How much has New York to put up with in the Scotchmen?" [Laughter.] This was audacious, but the kilted guest was soonest to catch its humor and lead the laughter it produced.

Perhaps his most striking achievement of this kind was on St. Patrick's Day, March 17, 1893, as a guest at the dinner of St. Patrick's Society. His address was of unusual spirit and humor, and while some of the Irishmen laughed heartily at his sallies, others could see nothing funny in it. When his shafts of ridicule, for such they were, had time to rankle, there was uproar among the men of Tipperary. Those were the days of Home Rule agitation and, although he began by saying that he would not speak upon the subject nearest Irish hearts—Home Rule—his speech was, nevertheless, a plea for home rule of a different kind than that for which the Irish were clamoring. An account of his speech as given the following morning in the *New York Sun* presents a scene in which generous applause and laughter were accompanied with somewhat different emotions on the part of some present. It was a typical Irish assemblage on the day of all others—St. Patrick's Day. "This," said Mr. Choate, "is the day we celebrate, the day that all Americans celebrate, the day that makes the streets of every municipality impassable." That morning, he said, he put on his tall hat and shamrock scarf, and set out with the idea of joining in the celebration.

Recorder Smyth, a genuine son of St. Patrick, was at the dinner, and his stern and severe facial expression, as a Judge of one of our Criminal Courts, gave point to Mr. Choate's reference to him as the first man he met that morning. "We met," he said, "at a barber shop where he was preparing for the day that smooth, that smiling, that implacable, that terrible face of his." This provoked wild laughter and applause, and everyone in the large assemblage was looking toward the foot of the table, where the Recorder sat blushing and laughing.

Referring to the parade he said he had missed one feature from the procession—"how it would have been glorified," waving his hand toward the representative of the New England, the Holland, the Southern, the St. Andrew's and St. George's Societies, "if the men of St. Patrick's had laid captive, and bound at their chariot wheels, the representatives of these down-trodden nationalities." But his speech must be quoted to be appreciated:

"All these might have been at your chariot wheels. For what offices, great or small, have the Irishmen not taken? What spoils have they not carried away? But, now that you have done so much for America, now that you have made it all your own, what do you propose to do for Ireland? How long do you propose to let her be the political football of England? Poor down-trodden, oppressed Ireland! Hereditary bondsmen! Know you not who would be free, themselves must strike the

blow?'' At this there was laughter and cries of ''We can't,'' and ''There isn't any way to do it.'' Mr. Choate went on: ''You have learned how to govern by making all the soil of other countries your own. Have you not learned how to govern at home; how to make Ireland a land of Home Rule? There is a cure for Ireland's woes and feebleness to-day. It is a strong measure that I advocate. But I am here to-night to plead for Ireland, with the retaining fee in my possession, and I propose to plead. I propose that you should all, with your wives and your children, and your children's children, with the spoils you have taken from America in your hands, set your faces homeward, and land there, and strike the blow.

''Gentlemen, the G. O. M. needs you. He is clamoring for you, and the G. O. P. to which I belong, has been so severely disciplined that it can get along without you. Think what it would mean for both countries if all the Irishmen of America, from the Atlantic to the Pacific, should shoulder their muskets and march to the relief of their native land! Then, indeed, would Ireland be for Irishmen and America for Americans!

''As you departed the Republicans would go down to see you off, and bid you a joyful farewell. As you landed the G. O. M. would come down to receive you with a pæan of assured victory. Think of the song you could raise. 'We are coming, Father Gladstone, fifteen million strong.' How the British lion would hide his diminished head! For such an

array would not only rule Ireland, but all other sections of the British Empire. What could stand before you?

"It would be a terrible blow to us. It would take us a great while to recover. Feebly, imperfectly, we should look about us and learn, for the first time in seventy-five years, how to govern New York without you. But there would be a bond of brotherhood between the two nations. Up from the whole soil of Ireland, up from the whole soil of America, would arise one pæan—*Erin go bragh!*"

In a letter to me, Mr. Choate referred to this incident.

"My scrapbook of that day," said he, "contains a lot of notices about it, and it seems to have made quite a sensation at the time, but they never took my advice. I advocated Home Rule in the most sensible and practical manner in which it was ever presented—that they should simply go back and take Ireland, and apply the science of government which they had learned in America."

It was at a previous St. Patrick's Day dinner that he alluded to the generous potions from the "Flowing Bowl," or rather I might say "Poteen," and the mellow condition of his post-prandial auditors, when he referred to them as unquestionable Irishmen "diluted, but not adulterated" and added "I wish I might be allowed fifteen or twenty minutes more to deliver a temperance discourse."

No lawyer at the Bar of New York, I venture to

say, not even Mr. Evarts, has been in such great demand at public and semi-public functions of all descriptions as Mr. Choate. On such occasions he contributed more pleasure, I believe, in various ways, than any other lawyer of his time. Being unquestionably a public favorite, his appearance was a guarantee of success. His two volumes *American Addresses* and *Abraham Lincoln and other Addresses* give an idea, but not a full and adequate idea, however, of the range of his public appearances which included not only dinners of the New England Society during the years before and during his long presidency; the numerous dinners and receptions of the Union League Club while its president; dinners of the Bar, and receptions of the Bar Association, and in the discharge of his duties as President of the Century Association and King of the Twelfth Night Revels. It may truly be said that these festivities would have been incomplete without his wit and brilliancy to enliven the proceedings.

During his long career as President of the New England Society and of the Union League Club he was, of course, expected to represent those organizations at similar festivities of other societies and clubs. It was fortunate that they had, for many years, such a worthy representative, who not only shed luster on them, but was able to contribute so much to the gayety of the festivities at which he represented them. The instances which I have given of his brilliant performances at the St.

King of the Revel

Andrew and St. Patrick Societies, illustrate perfectly that remarkable combination of audacious fun and satirical wit which he heaped good-humoredly upon his entertainers with such perfect tact as not to afford any just reason for offense.

Mr. Choate was always ready, even when professional engagements and public demands upon him of various kinds were most exacting, to respond to calls upon him by philanthropic societies. Some of his most attractive and interesting addresses, thoroughly original in their vein of thought, and lightened up with flashes of delicate wit, were delivered on such occasions.

A conspicuous instance of this, at the early age of thirty-two, was an address which he delivered on April 5, 1864, at the opening of the Sanitary Fair when he responded, on behalf of the ladies, to the welcoming speech of General Dix on handing over the fair to the ladies of New York. This address is included in his *American Addresses.* It was, of course, a great opportunity to show what he could do; one of those rare opportunities which, if improved, mark the individual as a bright and shining light. From that time on he has always been in great demand on all sorts of philanthropic occasions. Some of these addresses relate to fresh air for the people; prevention of cruelty to children; on behalf of the children of the poor; children in private homes; teachers' salaries; loaning of books; education; and other kindred topics. Others, more or less formal, but of a different character, were in

the nature of appreciation of conspicuous individuals such as Phillips Brooks, Carl Schurz and Josephine Shaw Lowell, also contained in his *American Addresses,* and at the unveiling of busts of noted scientists placed in the Museum of Natural History. Still others were on the needs of commerce; on the education of women, delivered before the Radcliffe College Club; on the relations between the United States and Canada, before the Canadian Club; and a notable one at a crowded meeting in Carnegie Hall in favor of a non-partisan judiciary. At a meeting in behalf of the New York Exchange for Women's Work to secure funds for the erection of a building sufficiently commodious to offer showrooms, classrooms and offices, he made this humorous plea:

"There are said to be twelve hundred millionaires in this city. Their money is corrupting them and their families. Now each of you select your millionaire or millionaires and get this money from them. Go personally, and take each by the throat, if necessary. Above all, do not make the mistake of approaching them through their wives. That is the worst way. Let some other man's wife take the millionaire by the throat, and see how quickly the money can be raised."

While he was most generous of contributions in speech, he has been no less generous in contributions of personal service. For years he was President of the State Charities Aid Association, and

also of the Association of the Blind. In the latter organization, in co-operation with Miss Winifred Holt, the real head and moving spirit of it, he afforded valuable support, and contributed largely to its great success.

Mr. Choate's political career began, practically, in 1856 when he advocated the election of Frémont. Since then he has been known as a Republican, but not a strict party man. He disdained to be unjust to political opponents, and sometimes singled them out for eulogy. His robust independence armed him with reserves of influence for great civic occasions, but it was also a barrier against political advancement. He was never nominated for public office, except as a delegate to the Constitutional Convention. He was regarded with suspicion by politicians and wire pullers, and considered an untrustworthy orator, whose nimble humor, and mastery of subtle sarcasm were likely to give offense, a notable instance of which was the resentment aroused by his St. Patrick's Day speech.

He did his part, according to his conception of what his part was in political affairs, but he was never a politician. In almost every political campaign he contributed by public speeches to the cause he favored, rendering valuable assistance by his public utterances; but he only appeared on the platform, and was rarely found in the audience. He was ready to speak, but not disposed to listen. He was like a brilliant constellation that shone at a distance. He did not mix with the multitude; he

was not a good handshaker; he was not one of the common people, although the common people heard him gladly. This prevented him, I think, from obtaining a hold upon the affectionate interest of the masses; although it did obtain enthusiastic admiration of his remarkable gifts.

He was not a stump orator or spellbinder, in any sense, nor did he enter into statesman-like discussions, calculated to educate the people; he was inclined, rather, to make light of his adversaries; and, like light-horse Harry, make a brilliant dash into their ranks, tossing them to and fro in confusion, prodding them with his lance and leaving them unhorsed, while he rode laughingly away. He loved to poke fun at his political opponents, especially at Tammany Hall and its leaders. No more interesting instance of this can be found than when Richard Croker, boss of Tammany, once twitted him with being an attorney for trusts and corporations and rich men, adding that, unlike his illustrious kinsman, Rufus Choate, he had never taken a case for a poor man. Mr. Choate, who had once acted as counsel for Mr. Croker, replied, "If Mr. Croker will let his mind go back for a few years he will, doubtless, recall that I took a case for a client who was on his own sworn testimony a poor man," and then turned the tables on him completely by his caustic wit:

"This cordial reception that you have given to me is almost as great a compliment as I received

last week from the voluptuous lips of Mr. Croker himself, for I must say that I regard it as the highest compliment for any respectable citizen to be abused by him. [Laughter.] And there is a great deal that hangs on the fact that Mr. Croker, for the first time in this campaign, has opened his lips. The dumb has spoken. [Laughter.] He never speaks when things are going in a way that suits him, and I ask you why it is that this shrewd and calculating politician, at this late hour in the campaign, has found it necessary to open his lips. Well, this audience looks to me like a good old-fashioned audience, who remember things they have read in the Bible. Croker's speech, and why he spoke, recall to my mind the familiar story of Baalam's Ass. [Laughter.] And in two or three points Mr. Croker reminds us of that very celebrated beast of burden. In the first place, until the Ass spoke nobody in the world imagined what a perfect Ass he was. [Roars of laughter.] If he hadn't spoken he would have passed into history as an average ordinary, silent Ass, who carried Balaam on his way; but when he spoke he was distinguished over all other Asses in the land. [Renewed laughter.] But that is not the only way in which Mr. Croker recalls that story. Why did the Ass speak? Do you remember the story? It was because he was frightened, it was because, as the Bible says, he got into a tight place, where he could neither turn to the right nor the left, and, in that situation, when he saw him who bore a

flaming sword confronting him, at last the Ass spoke; and it was in the same tight place that Croker spoke when, at last he was afraid of him who bore the sword before him, and you can tell who the young man is that bore the sword."

In local campaigns, involving the election of Mayor and Members of the Legislature, he was often heard at Cooper Union, and in other prominent places of assemblage but, notwithstanding his power as a public speaker, he was almost never heard in other cities of the State, or even in New York, upon State and National issues. According to my observation, although able, if necessary, to discuss such issues seriously, he did not feel it his duty or pleasure to do so, and his mind did not work easily in political debate. His cast of intellect, and his style of platform oratory, were of a kind that led him in a different direction. For this reason, he could not be depended upon by political leaders. He was, also, too independent by nature to be trammeled in his platform utterances, and although an adherent of the Republican party, he was yet sufficiently independent to criticize its aims, purposes and leaders when they did not meet his entire approval.

Mr. Choate's admirable qualities, and remarkable ability, qualified him, undoubtedly, for any position, National or State, and he was not without ambition for public office. His failure to obtain political recognition, after Mr. Evarts' retirement,

must probably be sought in his general attitude toward political parties, and political managers.

His prominence in his profession, and before the public, would seem to have marked him out for political preferment in State or National affairs. Although a leader of the Bar, and conspicuous in public matters, he never, but once, put his personal popularity, and political opinions, to the test of candidacy for an elective office. He shrunk from the ordeal, not through apprehension as to the result, but because of unwillingness to seek, or even to hold, public office trammeled by party subserviency. From the standpoint of the politicians he was not favorably regarded, because not always in sympathy with the leaders of his own party, and because of his unwillingness to share their views, approve their methods and make an effort to enlist their support. Though nominally a Republican, he was more often than not out of sympathy with his party, especially in local affairs, and his independence—a marked characteristic—led him, at times, to identify himself with political movements of lofty purpose, but hopeless from the beginning, except as a kind of protest, against the action of leaders of his own party. He was not acceptable to politicians, because they could not manage him.

In view of Mr. Choate's ability, high character and attractive qualities it seems scarcely possible that any candidate could have been selected better calculated to call out the enthusiastic admiration and support of the people. But when the matter

is analyzed, an explanation is found, perhaps, in Mr. Choate's own personal qualities and his attitude in public affairs. He had an abundance of practical common sense, was in accord with popular sentiment and had broad sympathies with common people in their struggle against adverse conditions. But, he was like a brilliant luminary which shines at a distance; he had a kind of reserve, an aristocratic conservatism, which seemed to remove him from the ordinary sphere of humanity. He could sway a jury, he could arouse the enthusiasm of general audiences and evoke deep interest and hearty applause; but he was not one of the people. They admired him and honored him; they were charmed with his graciousness; but they recognized his reserve and dignity which prevented familiar approach. His brilliancy, his humor, his wonderful persuasiveness, his independence and courage won respect and regard, but he seemed to live apart from, and above, the human throng in everyday life.

It is quite possible, too, that there was a personal disinclination on his part to public life, which may have accounted, to some extent, for an absence of popular appreciation. He seemed absorbed in his profession and the honors that success in it confers. "I have made it a rule," he said, "never to seek office and never decline it; but my friends knew I did not seek office, and that is probably why they never nominated me." His failure to secure political recognition may quite likely be found in the

character of his public utterances. He was never afraid to say what he really thought, and what he said was such a combination of sound sense and witty comment that while the sound sense might not in itself have offended, yet when combined with his laughter-provoking power, the effect was to create resentment and opposition. Politicians felt he was constantly poking fun at them, and his ridicule was far more serious in permanent effect than that produced by sledge-hammer argument or denunciation.

During the many years the Republican party in New York was under the control of Thomas C. Platt, United States Senator from New York, he found in Mr. Choate an opponent, but it was not Mr. Choate's opposition that antagonized him, because he had the common sense to know that he must expect it from those who differed with him, and he recognized the value in public affairs of men who opposed him; but Mr. Choate not only opposed him, but made fun of him, and the two together aroused his resentment. In one of our interviews I asked him how it was that Senator Platt became reconciled to his appointment as Ambassador at the Court of St. James.

"Well," he replied, "only two were considered by the President for the position. One was Whitelaw Reid, and the other myself, and Platt supported me because he hated Reid worse than he did me."

His speech before the Friendly Sons of St. Patrick is an instance of alienating by his wit a

large and powerful element among the common people. When he conceived the idea of that speech it was too good to resist expression. He meant no offense; he intended to arouse no resentment nor appeal to any prejudice. He evidently miscalculated its effect. It produced an almost electric effect among Irishmen everywhere. The papers and periodicals devoted to Ireland and Irishmen poured forth their denunciation and wrath in copious streams of abuse, and probably no individual could have been found in America who was more unpopular among Irishmen. The virulent opposition to his appointment as Ambassador came from the Irish press and Irishmen generally. If their opposition had been based upon anything serious with respect to Home Rule agitation, it might well have been that Mr. Choate would not have been appointed, but, inasmuch as it was founded upon good-natured, mirth-provoking wit, and nothing else, President McKinley declined to view it as a just cause of offense against Ireland or Irishmen.

All readers of political history will remember the circumstances of Mr. Hill's plot in 1891 to capture three seats in the State Senate, a sufficient number to give him a majority in that body. The election of 1891 had been held, and the returns declared that eighteen Republicans and fourteen Democrats had been elected Senators. This result was because returns were falsified in Dutchess County; in Onondaga County twelve hundred ballots cast for

the successful Republican candidate for Senator were thrown out on the absurd ground that they bore the wrong indorsement; in another Senate district Mr. Hill made preparations to give certificates of election to a Democrat who had failed of an election by seventeen hundred votes, as his Republican opponent was claimed to be ineligible. Everything pointed to Mr. Hill as inspiring the Democratic State Board of Canvassers to issue certificates of election to the Democratic candidates for Senator in the three districts assailed.

It was at this time, when the Democratic State Board of Canvassers were about to meet, that Mr. Choate arrived in Albany. On the night of November 30th he came to the Capitol and rapidly gained a knowledge of the critical condition of affairs. Like a true political general, he at once attacked the enemy. The following morning he went before Justice Edwards of the Supreme Court at Troy and submitted affidavits showing that the State Board of Canvassers was about to meet, and that it plainly intended to accept as genuine the fraudulent election return from Dutchess County. He said to Justice Edwards: "A gross outrage upon the suffrage is being attempted, having as its object to induce the State Board of Canvassers to act upon an election return not legally and properly made, and the affidavits show that this fraudulent attempt of the Dutchess County Canvassers is in danger of succeeding." He informed the Court that this return was already being included in the

State tabulation, and urged the Court, for the vindication of justice, to lay its hands upon both boards, and restrain them from accepting the certificate, and canvassing the returns, including this fraudulent return, as otherwise the remedy would be gone. Justice Edwards granted an order against the State Board of Canvassers to show cause why a peremptory *mandamus* should not issue directing the Board of State Canvassers not to canvass the vote of Dutchess County on the basis of this false and illegal certificate.

The legal conflict thus instituted by Mr. Choate was extended to every Senate district, but it came at last to a common center in Albany on December 7, 1891, when Mr. Choate obtained from Justice Edwards five writs of *mandamus,* prohibiting the State Board of Canvassers from deciding any of the election cases until argument upon them should be heard by the Court of Appeals, and a decision rendered.

Mr. Choate had thus labored to preserve the Legislature to the Republican party, and had done his utmost to make fraudulent elections odious, and his able management of the suits before the Courts in 1891 brought about a political revolution, which overwhelmed, and drove from power, the men who had perpetrated the fraud designed to steal the Legislature in the interest of the Democratic party.

In 1893 when the Republican State Convention met in Syracuse, a forlorn and hopeless gathering of dispirited partisans, they put him on the ticket

for Delegate at Large to the State Constitutional Convention, although at that time it was generally believed that the Democrats were sure of success. His nomination was regarded as an empty honor, and although he was elected, yet, with his independent views, and lack of support his candidacy received from political leaders, he did not poll as large a vote as some of the strict party men on the ticket.

The Constitutional Convention was made up largely of lawyers, and furnished an opportunity to render conspicuous service to the State, in connection with the Judiciary and the Courts, and, to no small extent, in the Executive and Legislative Departments of the State Government. Not only is an election as delegate to the Constitutional Convention an honorable post, which lawyers, especially, are qualified to fill, but the presidency of that body is regarded as an honor not inferior to any State position. Mr. Choate's distinction, and his leadership at the Bar, served quite naturally, to indicate him as the probable choice for the presidency of the Convention. In fact, he was apparently the only individual considered by his own party for that high position, and his election was favored by a large number of the opposing party. When the Convention organized he was elected president with singular unanimity, and devoted himself assiduously to the duties of his high office during the months the Convention was in session, and contributed largely by his speeches, and his advocacy

on important subjects, especially in connection with the Courts, to the framing of the Constitution afterwards ratified at the ensuing election. At a meeting of the delegates after his election, he humorously referred to the political patronage within his gift. "I find," said he, "there are forty-three places to fill. Gentlemen, the line will form on my right."

His successful guidance of the Constitutional Convention in the conservative construction of a new Constitution, and his efforts to secure its adoption, received the stamp of popular approval. Whatever acceptance the new Constitution obtained, when it was presented for consideration by the people at the polls, was largely due to the fact that Mr. Choate had been actively engaged in the task of drafting it. The high favor with which the new Constitution was regarded, was evident by its receiving a majority of nearly 100,000 votes.

His prominence in the Constitutional Convention led, quite likely, to his being considered as a possible nominee for Governor. It was unquestionably the desire of the people of the State that he should be nominated, and his nomination was vigorously advocated in newspapers and in large and enthusiastic assemblages. It would be difficult to find an instance where a spontaneous movement for the nomination of any individual has been evoked so enthusiastically. If it had been possible to obtain the opinion of the voters of the State as to the most desirable candidate, the popular favor manifested in his behalf is the strongest possible evi-

dence that a majority of Republicans desired his nomination; but the politicians did not want him. They could not use him. They were afraid of him and of his independent spirit.

Senator Thomas C. Platt was in absolute and undisputed control of the Republican organization in the State; he was, in fact, the organization; and the accredited representative of the Republican party. A candidacy was hopeless that did not have his support. Mr. Choate was not acceptable as a candidate to Senator Platt, and as the latter was in control of the political situation, and of the political machinery of the State, Mr. Choate could not be nominated.

In 1896, when Senator Platt's term of office was about to expire, the question whether he would be permitted to succeed himself was largely discussed, but his strength as a political leader was such that his defeat was practically an impossibility; but this did not prevent his opponents from contesting his election. Quite naturally they looked to Mr. Choate as embodying in their opinion all that Senator Platt was not.

On December 24, 1896, a very large and enthusiastic meeting was held in Carnegie Hall, New York, at which Mr. Choate's election as Senator Platt's successor was advocated. The meeting was a protest against Mr. Platt, and his so-called bossism. The movement set on foot spread throughout the State. Meetings were held, and testimonials to Mr. Choate signed by a very large

number of the most influential Republicans. The movement gained such proportions that, on the surface of things, it looked as though Mr. Choate might be nominated. But little did his supporters understand, if they appreciated, that the Legislature was a mere tool in the hands of Senator Platt. Mr. Choate, however, appreciated it.

In alluding to it Mr. Choate said to me: "I told them I would run if I only got one vote. In fact, I got seven, and I regarded this as a real triumph."

The politicians forgot his distinguished services, which were of great advantage to the Republican party, and which, under ordinary circumstances, would have been regarded by practical politicians as calling for recognition by the bestowal of political honors. Although, apparently, never seeking office, yet, in those rare instances when he was induced to enter the service of the State, he discharged the duties imposed upon him with such fidelity and ability as to cause regret that political conditions, and the interest of party politicians, should have prevented his being called to high public office. Had he received a nomination his personal popularity would have undoubtedly secured him a very large vote. It is, quite likely, the fact that Mr. Evarts having entered President Johnson's Cabinet as Attorney General, and that of President Hayes as Secretary of State, and subsequently his election as United States Senator, may have had something to do with Mr. Choate's reluctance to enter on a political career. In alluding

to Mr. Evarts, Mr. Choate used to remark, with grim humor, that one statesman in a law firm was sufficient for business purposes.

In social life he shone most brilliantly, and was, of course, much sought for at the dinner tables of his professional brethren, and of fashionable society. One of his witty sayings was at a private dinner at which he and Mrs. Choate were guests. He was asked who he would like to be if he could not be himself. He paused a few seconds, as if thinking over the list of world-celebrities, when his eye rested upon his wife, and solved for him the problem. "If," he answered, "I could not be myself, I should like to be Mrs. Choate's second husband."

On one of his visits to Washington he was a guest of Senator Wolcott, of Colorado, as was also the late Thomas B. Reed, Speaker of the House of Representatives. The conversation turned upon what some would consider vices, and other frailties, of mankind, and Mr. Choate remarked, "I have never smoked a cigar, never played a game of poker, and never attended a horse race in my life." Senator Wolcott looked pathetically at Speaker Reed and said, "I wish I could say that." Mr. Reed's characteristic and witty response was: "You can, Choate did."

A story is told of Mr. Choate when a passenger on one of the Sound steamers on his way to Newport. He was, of course, not ostentatiously attired, but wore a silk hat and carried over his arm a light

overcoat, and in his hand a small dressing case. As he stood on the deck he was approached by a person, somewhat loud of raiment, who inquired:

"Where are you going to open, Colonel?"

"What do you mean?" returned Mr. Choate.

"I mean what I say," replied the other. "Where are you going to set up the layout, at the port or at the pier?"

"Whom do you take me to be?" pursued Mr. Choate.

"I do not know who you are, but I could make a good stiff guess at your game. I did call it faro for favorite, but may be it is a sweat cloth for second choice."

Mr. Choate put his case on a convenient desk chair and opened it. He displayed a toilet outfit, brush, razors, combs and other necessaries of life. The man with the loud suit looked at it with lofty disregard.

"I mistook you for a sport," he said, as he turned away. "If I had known you was a barber I never would have spoken to you. It is one on me."

During Mr. Choate's journeys to and from his office, ofttimes burdened with the weight of heavy responsibilities, or fatigued by arduous days in Court, he traveled by the elevated road, and usually selected a seat which exposed only one side of him to admiring acquaintances who, quite naturally, but without much consideration for him, would seek him out. One of these found him seated in a corner of one of the trains and asked him why it was he se-

lected such a place. "I replied," said he, "that I always took one of two seats, either the one in the corner, or else the one next to the window on the transverse seats, and I do this so that I can only be bored on one side at a time."

His comments on men and things as he chanced to see them were a constant source of amusement to his office associates. Returning from lunch one day, having seen a prominent member of the New York Bar standing on the steps of a building with his hands in his pockets, he remarked: "I saw a queer thing just now. It was Mr. —— standing on the steps of the Corn Exchange Bank with his hands *in his own pockets.*"

It was a courageous individual, indeed, who would make fun of Mr. Choate for it was almost inevitable that the fun made *of* him would fall perfectly flat in comparison with the fun made *by* him.

Mr. Depew was sometimes bold enough to attempt to make fun of Mr. Choate, but the latter was always prepared for him. Anticipating that at a dinner which Mr. Depew was to attend he might indulge in some of this fun making, Mr. Choate secured a copy of a prospectus of a natural gas company which was called "The Depew Natural Gas Company, Limited." As anticipated, the fun making began, but when Mr. Choate's turn came he drew from his pocket the prospectus and read its title, "The Depew Natural Gas Company, Limited," and, looking the company over, he glanced at Mr.

Depew quizzically and, after a pause, inquired with emphasis, "Why limited?"

The tact he displayed in dealing with difficult, because embarrassing, situations, was not, by any means, the least characteristic of his genius—a notable instance being the Commencement Dinner at Harvard, which Governor Butler attended as the representative of the Commonwealth of Massachusetts, when Senator Hoar, as President of the Alumni, refused to preside, because of Governor Butler's presence. Mr. Choate took Senator Hoar's place and, with President Eliot on his right, and Governor Butler on his left, began with a delightfully humorous allusion to the complications existing by saying:

"I hardly know how to begin. My head swims when I look down from the giddy, and somewhat dangerous, elevation to which you have unwittingly raised me. Here I have been seated, for the last hour, between the two horns of a veritable dilemma." This tactful and witty seizure of "the bull by the horns" not only relieved the occasion of embarrassment, but, it is said, Governor Butler, in response to a toast in his honor, delivered a speech entirely different from what he intended, and as full as it was possible for him to make it of the milk of human kindness.

Thus, by cheerful and humorous pointedness, Mr. Choate dispelled unfriendliness, disarmed antagonism, cleared away the embarrassment of the occasion, and out of discord brought harmony.

In the breadth of his interests; his success on public and semi-public occasions; his career as a lawyer; his distinction and popularity as Ambassador at the Court of St. James; his literary addresses in this country and in England; the appreciation of his worth, the tokens of good-will, the honorable recognition he received from the English Bar—notably his election as a Bencher of the Middle Temple—justified the claim that he exhibited many attributes of true genius. If to be "always equal to the occasion" is evidence of genius, it was not wanting in his case, for whenever called upon to bear a part in public, professional or social life, the ease and charm with which, in his natural and simple way, he discharged the duty assigned him, was wonderful to behold. Genius was manifested in conveying his most important messages in such exceedingly plain and homely words that they were easily comprehended by ordinary intellects, and were, at the same time, so original in thought and expression, that they created a profound impression upon able minds.

When Mr. Choate returned to resume his place in New York at the conclusion of his distinguished service at the Court of St. James, he had been separated for six years from the activities of his profession, and from all that pertained to life at home. He was then seventy-three years of age and might, quite naturally, have been expected to seek that dignified retirement he had so richly earned. But nothing was further from his

thoughts. His whole nature seemed to rebel against the state of the "lean and slippered pantaloon." He engaged to some extent in the practice of his profession, in its higher departments, and won notable triumphs. The demands upon him for all sorts of public occasions were incessant; wherever there was a worthy cause to advocate, a philanthropy to support, a festivity to enliven, he was sought out as the shining ornament of the occasion. And he gave freely of his best. He entered upon a new phase of his career, and until his death was pre-eminently the conspicuous figure in the public life of New York. He was a remarkable example of an old age filled with living interest, and unquenchable zeal, in all that pertained to worthy causes. Hence, the latest years were among the most useful of his life. Free from the cares of an exacting profession, he could devote his time and, better still, his wisdom and experience, to whatever might conduce to the welfare of his fellowmen, not merely as a philanthropist but as "a citizen of no mean city." In fact, he was often alluded to as "our first citizen." But this aroused his wit at a Commencement luncheon at Columbia University in June, 1916. When referred to as such it called forth this humorous response: "Your President, accidentally, I think, dropped, at the end of his address to me, two words that I didn't at first understand. He said something about 'A first citizen.' He must have spoken in a Shakesperean sense, for you know this is a Shakesperean year, the three hundredth

anniversary, I believe, of Shakespeare's death, and President Butler is a wonderful Shakesperean scholar, and he was thinking of Shakespeare at that moment. You remember that in many of the plays of Shakespeare citizens are introduced as a decoration, or fringe, to embellish the stage, and they are numbered First Citizen, Second Citizen, Third Citizen, and, in every case, neither of them has much to say, and doesn't say that very well, but they were all equally good, one as good as another, and they might just as well have exchanged numbers, and nobody would have known the difference." When he concluded the chairman said, "Mr. Choate, we thank you from the bottom of our heart, we will take you to our bosom, and will hold you there during the rest of our lives." To which, Mr. Choate, looking at the graduates of Barnard College, wittily remarked: "I hope the graduates of Barnard College will join you in that." But, on the whole, this new phase of his career was characterized, I think, by a somewhat more subdued and serious tone than that of earlier days. There was brilliancy, of course, and a genial play of wit and humor, but there was less exuberance of his fun-making power than formerly. He had, I think, come to regard his wit as, in a sense, a misfortune, because whenever he spoke his audience expected a laugh. Indeed, he said as much, regretting that he had allowed himself to indulge his wit, because it interfered with seriousness when he meant to be serious. None of his addresses, with a few excep-

tions, during his last twelve years were as formal as those in his two volumes of addresses. Most of them were informal, but were characterized by greater seriousness and dignity than those of earlier years. Nor could they well have been otherwise, for they were connected with philanthropies, and important public questions, to a considerable extent, while during the last three years they related, more particularly, to various conditions arising out of the war.

The scope of his activities will furnish an indication of the directions in which he bestowed his gift of eloquence as well as of personal advice. I have already referred to his interest in the cause of the blind, and he seemed never weary of acting as their advocate, whenever opportunity presented itself. It appeared to be a favorite philanthropy of his, and he ably and efficiently supported Miss Winifred Holt in her zealous efforts in their behalf. There were also associations connected with his profession in which he had borne a conspicuous part, such as the New York Bar Association, the New York State Bar Association, the American Bar Association, the New York County Lawyers' Association, of all of which he had been President; the New England Society, the American Museum of Natural History, the State Charities Aid Association, of which he was President for many years, and the Metropolitan Museum of Art, which he helped organize, and last, but not least, the Century Association, which honored him, upon the death of

Hon. John Bigelow, with election to its presidency, much to his gratification, in which position he was serving at the time of his death. He had been a member of the Century since 1858, having been elected to membership at the early age of twenty-six. Within its precincts he had found his most delightful companionship, entering into its festivities with zeal, and contributing, in informal addresses, filled with characteristic wit, to the pleasure of its members. Notwithstanding his advanced years, he attended, with remarkable regularity, its monthly meetings, greatly to their enlivenment. One of his most recent addresses was delivered at one of these monthly meetings, of which unfortunately no record was made, giving reminiscences of life at the Century in former days. I heard him once put the matter of adjournment in a droll way. Rising with dignity, as if to call for a motion to adjourn, he exclaimed, "All those in favor of adjourning will now adjourn."

It so happened that at the Twelfth Night Revel, at the Century, in 1898, having just been appointed Ambassador at the Court of St. James, he officiated on that occasion as the King of the Revel. He was seated upon a dais with his jesters on either hand, who were Judge Howland and his partner, Mr. Charles C. Beaman. He was clothed in the robes of a King, and his fellow members appeared in fancy-dress costumes of various descriptions, from that of the dignified Cardinal down to the

ballet dancer, while knights, courtiers and all sorts of characters, grave and gay, were in the throng. All were expected to present themselves, and make obeisance, to the King. With no idea of assuming a character having relation to his recent appointment, I had arranged with a fellow member to join him in appearing there, he as Brother Jonathan, and I as John Bull. Each of us had very characteristic costumes. As we were proceeding toward the King, some distance away, my costume caught the King's eye, and, with a welcoming smile, he rose from his throne, and with outstretched hands approached me with the salutation, "Welcome, John Bull."

No better evidence could be presented of the respect and honor in which he was held in his capacity as a diplomat, worthy to represent his Government in affairs of the utmost importance, than his selection by our Government as the head of the delegation from the United States to the Peace Conference at The Hague in 1907. In that capacity his personal fame and commanding ability marked him out as a prominent figure in the Conference, and his addresses were regarded as among the most powerful delivered. He attracted much attention, and among the descriptions given of him in the foreign press he enjoyed, more than any other, that of Compte de Saint Maurice, the political editor of *Gil Blas,* who said of him: "He is the *enfant terrible* of the Conference. He seems aware, neither of the grandeur of the mission intrusted to

Judge Howland Mr. Choate Mr. Beaman

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the delegates, nor of the personal majesty of their excellencies. He is barely a diplomat. He it is who, with an air of innocence, inserts into a discussion a few cold words which effectively shatter the grandiloquent bubbles of his colleagues. He it is who unsmilingly emphasizes some imposing puerility. It is he, always he, whose brief logic brings back to earth again discussions which have drifted into the pacific ether. What superb balloons he has thus pricked. What pretentious aeronauts has he brought to earthly realities."

But another event which to him was of supreme interest was the celebration in October, 1911, of the golden wedding of Mr. and Mrs. Choate at "Naumkeag," their home in Stockbridge, Massachusetts, surrounded by more than a thousand friends, some of them from far distant places, a few of whom had attended the wedding fifty years before. It is said that his address on that occasion was of the most piquant and playful description. He gave an account of his meeting with Mrs. Choate which came about through the invitation of a friend to visit a young lady in Amenia, New York, for whom the friend professed a somewhat more than kindly regard. Mr. Choate went and was evidently conquered, for on his return to New York he concluded that his next visit would be for himself, and not for his friend. Therefore, on the fourth of July, 1861, he declined the invitation of other friends to visit them on that day, because he had decided, notwithstanding Independence Day, to surrender absolutely

and unqualifiedly. He made a speech, the most difficult, he said, in his life, notwithstanding its brevity, offering to surrender the citadel of his affections and, said he, "on that Independence Day, I surrendered my independence."

During the last three years of his life his mind was almost completely absorbed in the war. He found little room for anything else. It called out his patriotic impulses, in which there was none of the conservatism or timidity of old age; he was full of youthful ardor. From the day Belgium was invaded, he was outspoken in denunciation of that atrocity; he declined to be neutral; he proclaimed himself as heart and soul with the Allies; he was in favor of prompt preparation and immediate action. From that time on, his voice was heard, loud and strong, everywhere and on all occasions, in favor of giving all possible aid to the Allies. He believed that, sooner or later, this country would be drawn into the war. He advocated as forcibly and energetically as possible the duty of this country to prepare for the struggle. He rebuked supineness and delay, insistently urging that we go forward. In a stirring address at a meeting of the Union League Club, he expressed himself with remarkable energy. He said in part:

"I never agree to speak in public that I am not always very sorry that I promised to do so. But I could not resist this appeal, for it seems to me to be an appeal to come to the rescue of our country

in the hour of her deadliest peril. If the words that I shall utter to you to-night shall be my last I shall feel that I have breathed them in the actual service of my country.

"Few of us are old enough to remember the foundation of the Union League Club in which we are now assembled. I can recall its earliest days, and I know that it was established at a time not unlike this, and accomplished a mighty purpose in carrying out the wishes of its founders. Why, New York was not an American city; it was a foreign city. It was a Copperhead city. Copperheads sprang up everywhere, and their sentiments mightily prevailed.

"When a few public-spirited and able citizens gathered together to see what could be done in the way of reforming the city and of coming, in their turn, to the rescue of their country, it was the darkest period of our Civil War. Defeat had followed defeat, and it was only hope that maintained the courage of our citizens and of our great President at Washington. I am often asked to-day, What can we do; what can we mere citizens do, when our Government is doing nothing or doing so little; what can we do for our country? Let me tell you what they did. They did what the last sentence of the report read by Mr. Bacon said—'It is arousing a national spirit in our citizens which shall inspire them to pledge themselves wholeheartedly to the task of getting ready that the Union League can render to the country service as

useful and effective as it rendered during the Civil War.'

"By the founding of this club, and the appeals of its members in public and in private, the whole sentiment of the city was changed, or rather, the loyal sentiment overrode and suppressed the disloyal sentiment that had previously prevailed. They raised and equipped two regiments for the service of their country, which immediately entered into that service. And when I look on these walls and see their portraits, Captain Charles Marshall and Jackson S. Schultz and John Jay, I wish they were here to-night to inspire this city as they roused the city in those days.

"Now, whatever the Government does, we can at least do that. I understand from the resolutions that we are already engaged in a state of war. I don't care whether you call it war, or, as Lord Salisbury once called it, 'A sort of a war,' or a state of war, or armed neutrality. When it takes the shape of allowing Germany to sink our ships and murder our citizens, it does not matter what you call it, it is time for the people of the United States to rise in arms and assert their rights.

"This city is not half awake to the perils that encompass it. Go up and down the streets and avenues of this city, and by day and night you will see people devoted to pleasure, to their ordinary pursuits, to enjoyment and luxury without limit. They have got to find out what is the matter. They have got to learn that we are in a moment of deadly

peril, that we are, as the President said two months ago, 'On the brink of war.' Well, we can't stay on the brink forever—we have tumbled in, that is what has happened, we have fallen in. The President may still be on the brink, but the rest of the people are not.

"I was talking the other day with a very distinguished Frenchman. He recognized, and nobody can deny it, the lack of preparation in which we find ourselves—unpreparedness, to use a very long word. 'But,' said he, 'if a single brigade, a single division, of American troops appeared on the other side of the water, and took their stand by the side of the French Army or the British Army, it would infuse such new life into all the combatants on the side of the Allies that victory would be immediately assured.' That was the great leader of thought and philosophy for all Europe, and America, too—I refer to Professor Henri Bergson.

"Now, I want to say a few words about this war that are not in the resolutions. If we are going into war, if we are in war now, I do not want it to be limited to a few submarines, and here and there a ship sunk. I want it to be spread over a much broader and wider ground, and to grow upon deeper and grander principles than even the defense of our own property.

"This war has been from the beginning a contest for freedom, for justice, for civilization, in which we are as much interested as the Allies themselves. I recognized the fact from the beginning that they

were fighting our battle; while we lingered on in this state of stupid unpreparedness they were actually sacrificing all their resources, all for the principle of maintaining the right of each Government to maintain its own independence. So I have always thought that if the time came when, by going into the war bang up, with all our might, we could put an end to it in the right way, in the triumph of the Allies, it was the duty of this country to do it. And I believe that the time has now come when by going in, even with the little preparation that we have yet made, we can pass such a balance in favor of the Allies that, very speedily, a final victory is assured.

"We can certainly help them a great deal. They won't expect armies to march over there. But I hope that a brigade, that a division will go, and I guess it will. And we can help them in what they sorely need. We can help them to finance the conclusion of this war; and I shall be ashamed of America, of its bankers and manufacturers and merchants and lawyers and doctors and ministers if they don't all rally to that proposition.

"We think we have done a great deal already. We have. We have sold them a great many goods at excellent prices. We have loaned them a great deal of money at a considerable rate of interest; but I say that every American, and all America, could afford to spend the entire income of one entire year to bring this war to the end that it ought to come to."

He grew restive and impatient under the deliberateness and seeming delay of the Administration. He at times indulged in rather severe criticism of the hesitation to act, but he was by no means a pessimist. He was always patriotic and, although his opinion in favor of a vigorous prosecution of the war led him to be somewhat critical, he was always an optimist, and not only supported the Administration heartily, but generously acknowledged his mistaken criticism in the light of subsequent events. For instance, in a speech referring to the course of the Administration in Mexican affairs, he said:

"Well, what is the most stirring question to-day that agitates the hearts of the American people? Its name has been mentioned several times, but it really is Mexico. What are we going to do with Mexico, or what is Mexico going to do with us? I should like very much to discuss the question of the policy of the United States of America in regard to Mexico. I think I could occupy the whole evening with that, if I only knew what that policy was. [Laughter.] At best, there is only one man who knows what that policy is, and he very wisely keeps his own counsel and won't tell. And I am not sure that even he knows. [Renewed laughter.] I am not sure that we are not all drifting, with him at our head, from day to day, and even from hour to hour, waiting, waiting, like Micawber, to see what may turn up.

"It is a very trying situation; it is a very dangerous situation; but one thing I know, and for one thing I appeal to the heart and head of every gentleman present in this chamber to-night, that in this trying situation there is but one duty for all of us, and that is to stand by the President of the United States. [Applause.]

"You may call it diplomatic business; you may call it Executive business, but it is fair to assume that the President is in possession of information vastly superior to that which even all of the members of the Chamber of Commerce of the State possess. He knows what he is talking about. He knows what he is aiming at. One thing we are sure of, that he is for peace; that he is for preserving peace at all hazards, and that by no act of his shall this nation be plunged into a destructive and a dreadful war. [Applause.] He is entitled to that from us without regard to creeds. We must stand by our President through thick and through thin, and we shall come out right in the end."

At the annual luncheon of the members of the Associated Press on April 24, 1917, his address on that occasion affords an excellent illustration of his warlike spirit, and of his magnanimity in acknowledging unjust criticism. He began by saying that he was afraid, for a long time, that we should not get into the war at all, because he believed from the day of the entrance of the Germans into Belgium, and their trampling upon all human rights,

their breaking of treaties and of pledges, that we ought to have gone in then, and continued as follows:

"But there was something higher and grander, it seems, that we were waiting for, and it has come at last. I believe that the spirit of Abraham Lincoln has led us into this war. [Applause.]

"I have tried to find a key and a solution of it, and I find it all in that two-minute address that Lincoln delivered at Gettysburg which is now to be applied and is to have a world-wide application, instead of to our own nation, as he used them. You remember what he said: 'The world will little note nor long remember what we say here, but it can never forget what we do here.' How unconscious he was of his own immortality!

"And then he went on to express the hope that out of the blood of those who had given their lives for their country this nation should have a new birth of freedom. And it got it.

"When slavery disappeared and the new birth of freedom came, the United States entered upon a career of prosperity and nobility such as it had never dreamed of before. And then he concluded with those words which your President has already quoted and which every speaker everywhere during this war, I believe, will quote. You remember them all—that 'government of the people, by the people, and for the people shall not perish from the earth.'

"Now what do we have? If Lincoln were here

to-day, his prayer would be verified and glorified into the prayer that all civilized nations shall now have a new birth of freedom, and that government of the people, by the people, and for the people shall not perish from any portion of the earth.

"I think it is not difficult to understand what this war is. It is a war for the preservation of free government throughout the civilized world. And I believe that I may include in that not only free governments of the allied nations and the neutral nations, but of Germany itself.

"The truth is that this war upon which we have entered is not going to be any child's play. We all know that. The only way to fight is to fight, and we have not begun that yet. One thing we have already done, and it shows that our entrance into this war has united the whole American people. This great money bill that was passed, very largely for the benefit of our Allies, by unanimous vote, as I understand it, of both houses of Congress, shows that all the people of America are of one mind and are agreed that there is to be no backsliding, no hiding behind any cover, but that we are prepared and determined to face the music and to make whatever sacrifices may be necessary to secure that lasting victory that alone can make certain an enduring peace.

"Then there are all those other bills which the Government has presented, as I think so wisely, and with such forethought, that last one of which is under discussion to-day, and which we are assured

will pass by the vote of both houses of Congress on Friday, for universal enrollment of all men capable of bearing arms. I do not call it a conscription bill. I think that name has been unhappily applied. The Government ought to know where the men are who are capable of bearing arms, what their ages are, and what their addresses are; and the President ought to know when the time comes—and we can trust him for that—what men are fit to go to the front.

"We are very much honored by the presence in this country of these two wonderful commissions from these two great countries. The presence of Mr. Balfour here alone is a wonderful demonstration of the good-will of Great Britain toward us. And then there are Viviani and Joffre, two of France's greatest men. I noticed that when the flashlight was cast upon the tricolor there was more enthusiasm and ardent applause among you than at any other demonstration that has been made here this afternoon. But suppose they could appear in New York and receive the greetings of the people of this great city—what a thunder of applause would roll across the ocean, reporting to their countrymen abroad how enthusiastically they were received here by us.

"Now before I sit down let me say a word about our great President, for he is entitled at every step to the applause and support of every American citizen, man, woman and child, and I believe he has it. [Loud applause.]

"Some of us in the past have criticized the President. Some of us long hesitated and doubted; some of us thought that watchful waiting would never cease. But now we see what the President was waiting for."

A notable event in his life, and the one which proved to be responsible for his death, was that which began with his appointment by the Mayor as Chairman of the Committee of Citizens to receive the French and British Commissioners, on their visit to the United States. The duties which devolved upon him in that position proved too great a strain upon his vitality. His appointment, by the Mayor, was a recognition of the public estimation in which he was held as the "Grand Old Man" of New York. He had just passed his eighty-fifth birthday, and his physical condition was such that he could not safely undertake the severe strain which awaited him. It was fortunate for him, it was fortunate for the city, that he was equal to the discharge of his official duties until they came to an end. How well he discharged these duties is not only familiar to all those who saw and heard him, but has now become a matter of history.

He was, in himself, the equal, in point of interest, to the distinguished visitors, and his words of welcome, perfectly simple, entirely unaffected, and thoroughly appropriate to the occasion, were characteristic of his good taste, excellent judgment, and ability to express the prevailing sentiment. As I

stood amid the throng in the Aldermanic Chamber in the City Hall, and listened to his speech at the reception of the French Commission, I could not fail to be impressed with the republican simplicity of the occasion, in its freedom from all extraneous display, as his venerable figure presented itself, and gave utterance to his words of welcome. Surely the same impression must have been made upon those to whom he addressed them.

Mr. Choate said:

"Mr. President, Marshal Joffre, and Gentlemen of Your Associates: I deem it a very proud honor to be the spokesman of this great committee, that stands for all the people of the city of New York. Fifteen minutes ago you landed on the very spot where in 1824, on his last visit to America, Lafayette himself landed. It is impossible to express in words how much America owes to France. We had our days that tried men's souls in our original struggle for independence, when Lafayette and Rochambeau came over to the assistance of Washington. We had our most trying hours, and Washington himself, with his little worn-out army at Valley Forge, hatless, shoeless, coatless, almost breadless, presented the most touching picture, as I think, in all American history. It was just at that time that Lafayette came to his assistance, and with those two heroes by his side Washington won the great and final battle of Yorktown, which established the independence of the United States.

"But what we go so far back in history to recall is, in my judgment, nothing, comparatively nothing, to the great service which France has rendered to America during the last two years and nine months. You have been fighting our battles every day. And it is true that at this moment the sons of France are pouring out their blood like water that we and the other free nations of the earth may enjoy liberty forevermore.

"I do not know that it is proper for me on this occasion to make any promises. The Mayor has told you what we expect to do. Our Chief Magistrate at Washington has uttered recently, in a document addressed to Congress, the purpose of the United States to maintain the conflict on which we have entered as your allies, and to conquer, in his own language, submarines or no submarines, and we mean to do it.

"It is true that we are not used to war. We have hardly yet begun to get ready; but I believe, in men, in resources, in munitions, in all the equipment for war, we can before long be ready; and for one I shall be disappointed, be much disappointed, if within a few months there is not a solid company, a division at least, of American troops waving the Stars and Stripes, led by competent commanders, crossing the Atlantic to take their stand by the side of Great Britain and France in this great war.

"You have come, gentlemen, to show us the way, to show us how to do it, to show us how to get ready, and there is no better representation of the

great nation from which you come than you, yourselves, by the achievements that you have already done. I believe that there are fifteen millions of men of the right age for warfare among our hundred millions of people. I believe that we have unbounded resources to sustain our Allies to the end of the war, and I believe from what I have seen this very day, in the last half mile from the Battery to the City Hall, the people of New York undoubtedly represent the whole people of the nation, all of one accord, shouting triumph, welcome, honor to France.

"I believe that the people of the United States are ready with your people to shed the last drop of their blood, if it be necessary, to spend their last dollar if it be necessary, to spend their last man in order to achieve that victory we confidently expect."

On the following day the scene was again repeated, but with Mr. Balfour and his associates of the British Commission in the places occupied by Marshal Joffre, M. Viviani and their associates of the French Commission. It was, indeed, a graceful act of Mr. Balfour to descend from the platform to which he had been conducted and grasp the hand of Mr. Choate, as an old friend, after which he resumed his place, and again Mr. Choate gave expression to the welcome of the citizens of New York to the British Commission in the following words:

"Mr. Mayor, Mr. Balfour, Your Excellency, and Gentlemen of the Commission: During the six happy years that I spent in England, when I was sent abroad for the good of my country, I remember that from first to last, in every emergency that arose, you, Mr. Balfour, stood like a rock of friendship between England and the United States. And in all that long public career, with which you have illustrated the history of your country and of the world, it was to you that we were constantly indebted for untiring and abiding friendship to the United States. When we entered into a war, not for our own benefit, but for the benefit of emancipating a struggling little nation, the smallest, I believe, of all the nations, we were indebted to the British Government, over which you had a controlling hand, that no interference was allowed between us and the objects of our efforts.

"It has always been the ambition and the hope of the people of the city of New York, whom I have the honor to represent for a few minutes now, that this friendship between our two countries might be perpetual and never disturbed. We were just beginning to celebrate the completion of an entire century of absolute peace between England and the United States when this horrible war that is now upon us broke out. We are disused from war. We do not exactly know how to carry on war, according to the modern methods, and it is our greatest delight that you have come with your able body of experts that accompany you to show us

how to enter into the war, to show us what to do, and especially what not to do. I am sure we can rely upon your constant advice for that.

"We hesitated, we doubted, we hung back, not from any lack of sympathy, not from any lack of enthusiasm, not because we did not know what was the right path; but how to take it, and when to take it, was always the question. I feared at one time that we might enter into it for some selfish purpose, for the punishment of aggressions against our individual, national, personal rights, for the destruction of American ships or of a few American lives, ample ground for war; but we waited, and it turns out that we waited wisely, because we were able at last to enter into this great contest, this great contest of the whole world, for noble and lofty purposes, such as never attracted nations before. We are entering into it under your lead, sir, for the purpose of the vindication of human rights, for the vindication of free government throughout the world, for the establishment of, by and by, soon, we hope, late it may be, of a peace which shall endure, and not a peace that shall be no peace at all. Fortunately, we have now no room for choice. Under the guidance of the President of our choice, at Washington, we stand pledged now before all the world, to all the Allies whom we have joined, to carry into this contest all that we have, all that we hope for, and all that we ever aspire unto. We shall be in time to take part in that peace which shall forever stand, and prevent any more such

national outrages as commenced this war, and have continued it on the side of Germany. Already we have been only thirty days in the war, and it has had a marvelous effect upon our own people. Before that there was apathy, there was indifference, there was indulgence in personal pursuits, in personal prosperity; but to-day every young man in America, and every old man, too, is asking, what can I do best to serve my country? Mr. Balfour, during your brief stay among us, you will be able to answer that question."

At a dinner at the close of these festivities, Mr. Choate again spoke, endeavoring to impress the duty of enthusiastic support of the Allies, and energetic action in maintaining their cause. On this occasion he expressed very freely his sentiments regarding the army which Colonel Roosevelt proposed to enlist and lead to France. He said:

"Mr. Mayor and Gentlemen: When I survey these galleries, one above the other, and behold what celestial happiness has prevailed there for the last hour, and what earthly happiness has prevailed on the floor below, I made up my mind that there is nothing that women love better than to see the lions feed—until the time comes to hear them roar.

"Now that we have fairly embarked in this war, following the lead of those dear Allies of ours, Great Britain, our beloved mother country, and France,

our dear, delightful, bewitching, fascinating, hypnotizing sister, there can be no such word as fail. We are in for victory, which must be won together. Why, we have only been at war for thirty days, and see what a change has come over the young men of America. I feel it myself, being young.

"I feel inspired with the soul of our dear old Admiral Farragut. You remember when he was making his toilsome way up the Bay of Mobile, lashed in the rigging of the Hartford, the Brooklyn, that was before him, stopped for a moment, as if to throw the whole line out of order, and the Admiral shouted through his trumpet, 'What's the trouble there?' The answer came back, 'Torpedoes.' The Admiral immediately replied, 'Damn the torpedoes; full speed ahead,' and he went full speed ahead. He suffered some from the torpedoes but he reached the bay.

"Now we are impetuous youths, full of the spirit of early manhood. We want to do something at once; and yesterday, when I ventured to say that we shall call upon our authorities at Washington to hurry up, M. Viviani, I noticed, answered me by saying that he did not see it. So impetuous youth must wait. We have to wait a little while for them. Then I could never see—it was my youthful ardor, because I looked upon it in the boyish spirit—I could not see why a man who had already served his country so nobly and so wisely that his fame had reached the uttermost corners of the earth, and was identified with the name of

America, when he proposed to offer to his country a division of 20,000 soldiers all prepared to cross and take their places by the side of their brethren in France or even Great Britain, why he should not have been allowed to go. I think that if he was willing to take the risk of it we might. But there again a wiser body than any of us, an immortal body, not possessed so much of soul as of immortality—there Congress stepped in and held me, and Roosevelt, back. So we are here to-night to address you; although we have got a great deal to learn, and happily for us England has sent her wisest and her best, and France has sent her noblest and her proudest to teach us how.

"They will show us the way which we want to follow. They will show us how to do it and how not to do it, and following their lead we shall come to that great and last and final victory which will secure us a peace that will never end.

"Why has America entered this war? What had she to gain by it? Far removed from the scenes of carnage, her youth untouched, her manhood, and her womanhood undisturbed, a few of her vessels sunk, a few lives lost—ample cause for war, but we waited—we were not ready. We are not very ready now, but by and by America will learn. America, from the Atlantic to the Pacific, from the Lakes to the Gulf, America has learned what this war is about, what it is for—that it is for the establishment of freedom against slavery, for the vindication of free government against tyranny and oppression

and autocracy and all the other horrible names that you can apply to misgovernment. When it came to that there was but one question for America, and our President at Washington has solved it for us. Nobody can tell how far he saw ahead any more than we at this moment can tell how far we can see ahead.

"But he solved it for us by calling upon Congress to declare war. They have declared war upon the Imperial Government of Germany and Congress has placed in our hands all the power, all the privileges that President Abraham Lincoln in the midst of our Civil War ever possessed. So that is one way out of it. We are to go on to victory, and that victory, I believe, will be hastened, not only twofold, but tenfold by the fact of our entering into the contest.

"That I hope that we can do for these war-worn Allies of ours. How they have suffered. How they have toiled. What horrible sacrifices they have submitted to. Their own homes have been decimated, their firesides made unhappy, their youths slaughtered, and they themselves are suffering extreme agony, as I believe, while we have gone on indulging in luxuries, increasing our wealth, thinking that no harm could ever come to us; that no guns could ever be forged big enough to reach our homes. And we began to hang our heads in shame, until the President gave the final order that we must go and help them with all the might we can. For the first time, after two years and a half, I was able to

hold up my head as high as the weight of eighty-five years would allow.

"And I believe that is true of every man here. I believe it is true of the husbands and brothers and sons of every woman here. Now, we have got a great opportunity. No country ever had so great an opportunity as we have got. No man was ever prouder than I am, as a citizen of this country, that an opportunity has at last been seized upon and we are there side by side with Balfour and Viviani and Joffre and all those great men, those great and distinguished men, whom we have here seeking to honor."

During these four days of entertainment he was engaged from morning until late at night in attending from two to four formal functions, and others less formal, and these gave him almost no time for rest. Long automobile journeys, up and down town, amid applauding throngs, escorting the visitors up the flights of steps to and from the place of assemblage in the City Hall, and at Columbia University, making speeches of welcome at all formal functions, he was undertaking duties beyond the physical ability of a man of eighty-five. He was introduced by the Mayor as New York's foremost, and most beloved, citizen. When he spoke his voice was clear and his manner vigorous. He told his friends that he was at last happy, after three years of depression, happy that we entered the fight against barbarism, and his speeches rang

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Mr. Balfour and Mr. Choate

with warlike spirit. How much Mr. Choate, in these last days, contributed to the formation of patriotic sentiment in the minds of New Yorkers, and a whole-hearted and enthusiastic support of the cause of the Allies, can never be overestimated.

On the last night of Mr. Balfour's visit, Mr. Choate invited Mr. Balfour, Dr. Bergson, Dr. Butler and a few other friends, to his home, after the last public function. During the evening he asked his friends to gather around him and discuss a topic he had in mind. Those present expected that it would concern, perhaps, our international relations, or the division of territory after the war, or some other subject intimately connected with the war. But, contrary to expectations, Mr. Choate said that he would like to discuss for a while the immortality of the soul. For about an hour these distinguished men conferred on this subject, which was so soon to become to him a reality.

On Sunday he attended service at the Cathedral of St. John the Divine with Mr. Balfour. After service Mr. Choate and Mr. Balfour bade each other farewell, never to meet on this earth again. His parting words to Mr. Balfour were: "Good-by; remember, we shall meet again to celebrate the victory." On May 13th Mr. Choate, evidently very ill, said to his wife and daughter, who were at his bedside: "I am feeling very ill; I believe this is the end," and soon after passed away.

New York has, fortunately, been rich in citizens who, by their natural gifts, intellectual attainments

and public achievements, have added to its glory. But, among them all, none, I venture to say, has been, like Mr. Choate, upon the scene, in the limelight of publicity for half a century, and shone with greater brilliancy, or bestowed on New York and New Yorkers, in so many different directions, more delightful entertainment, and more valuable service. On the roll of New York's most famous citizens, none will have a higher place than Joseph H. Choate.

It is frequently said that Mr. Choate's life was fortunate. This is perfectly true, but if it is intended to convey the idea that this good fortune was fortuitous or accidental, I do not think it would be correct. On the contrary, he worked out his good fortune by the use of a combination of qualities which enabled him to pursue his profession with industry and perseverance; to take an optimistic view of things; to co-operate harmoniously with others, and to surmount obstacles seemingly insurmountable. There was no "royal road" for him; he traveled the well-worn highway of everyday life and succeeded where others failed.

But, if he was fortunate in his life, he was no less fortunate in its termination. Forty days earlier death would have robbed him of the crowning service of his career; his last days were a culmination of patriotic service, filled with noble enthusiasm for a world-wide democracy, and the destruction of military autocracy. No flabby pacifist was he, but a crusader in pursuit of Liberty,

of Law, of Humanity, of Popular Rights, of Civilization. He gave all that was left of life in a struggle with the best weapons heaven had furnished him—fervid appeal, convincing logic, moving eloquence—to inspire his countrymen with a lofty enthusiasm for these high ideals. No one has rendered nobler service. He knew he faced death in rendering it.

And, as amid a vast applauding throng in Carnegie Hall, he listened to the recital of the inspiring "Battle Hymn of the Republic," and Mr. Balfour's pledge of unity of purpose, he must have felt as if he, too, had seen

"The glory of the coming of the Lord."

And when, after his interchange of views with his friends on the "immortality of the soul" he bade Mr. Balfour "Good-by; remember, we shall meet again to celebrate the victory," it was no mournful parting, but with the eye of faith he looked forward to a victorious outcome, and a joyful reunion.

"Say not, good-night, but, in some happier clime,
Bid me, good morning."

III

THE LAWYER

III

THE LAWYER

When Mr. Choate, more than fifty years ago, appeared at the Bar of New York, the lawyers of distinction won renown by eloquence before juries, and compelling reason before appellate tribunals. Their professional life was spent mostly in the Courts, and to a small extent in their offices. Courts were the avenues to pecuniary success and professional eminence. Lawyers of learning and ability found opportunity there to display their power, and win their reputations. From their ranks the bench was filled with able judges, and our legislative halls with distinguished statesmen.

The great Court lawyer has well-nigh disappeared from the Bar of New York. It may not be true of other localities, but in commercial centers, where corporate and financial interests congregate, comparatively few eminent Court lawyers are to be found. The gradual development of present-day conditions has been unfavorable to their production, and is responsible for their disappearance. The successful lawyer is, at present, viewed from the standpoint of commercial shrewdness and a large professional income. The measure of his professional worth is his dollar-producing value. If

this is the criterion of success, the business lawyer is undoubtedly successful, but he is not the great lawyer. His reward is pecuniary; that of his brother in the Courts is found in the estimation of his professional ability and skill by his brethren of the Bar, and an appreciative public. The business of the Court lawyer calls for intellectual capacity of a high order, developed by assiduous study of the law as a science, and by literary culture. That of the business lawyer is, to a large extent, commercial. He never draws a pleading, nor prepares a case for trial, nor tries a case, nor argues an appeal, and, quite likely, is never seen inside a courtroom. He is occupied with commercial interests, incorporations, consolidations, receiverships, insolvencies and reorganizations. The Courts are deserted for business activity—resulting in a deterioration of Bench and Bar. Visitors to Courts where jury cases are tried will, at the present day, rarely find among the counsel leaders of the Bar, but juniors, whose seniors are occupied with more profitable business connected with commercial and financial enterprise. The same may be said of our appellate tribunals, where cases are seldom argued by lawyers of commanding position. The tendency, in recent times, is to graduate from the Court to the more lucrative business of the office, while formerly the lawyer seeking the "bubble reputation," graduated from the drudgery of the office to the more conspicuous activity of the Courts. This remarkable change has been brought about by modern business methods,

growth of corporate interests, enlarged fields of commercial enterprise and various channels for the employment of capital. Of course, there are now, and always will be, large opportunities in the Courts for lawyers of ability and high legal attainments; but it is doubtful whether such distinguished practitioners as graced our Courts up to the latter part of the last century will be found there in the future.

From the time I first saw Mr. Choate, in 1870, down to his retirement from the Bar to enter upon the duties of Ambassador at the Court of St. James, he was essentially and, indeed, exclusively a Court lawyer. His triumphs were forensic. He was constantly before juries or appellate tribunals. Other departments of professional life seemed to have no attraction for him. Probably he never had any aspiration to succeed other than as a great advocate. His wonderful success as such is well recognized.

Certainly none of the temptations or allurements of commercial or corporate activity were able to draw him away from the halls of justice. All his training was in the direction of the Court lawyer, not the least valuable of which was his association with William M. Evarts, during which he was constantly at his side. Upon the retirement of Mr. Evarts the cloak of Elijah naturally fell upon the shoulders of Elisha. He is a striking instance of the achievement of rare success, and professional renown, by skillful advocacy before Courts and juries.

In his address at the dinner given to him by the Bench and Bar of England at Lincoln's Inn April 14, 1905, he alludes to this:

"I will confess that from the beginning to the end of my forty-four years at the Bar, I loved the profession with all the ardor and intensity that that jealous mistress, the law, could ever exact, and so always tried to pay back the debt which, as Lord Bacon says, 'all owe to the profession that honors us.' . . . I started in life with a belief that our profession in its highest walks afforded the best employment in which any man could engage, and I am of the same opinion still. Until I became an Ambassador and entered the *terra incognita* of diplomacy, I believed a man could be of greater service to his country and his race in the foremost ranks of the Bar than anywhere else; and I think so still. To be a priest, and possibly a high priest in the Temple of Justice; to serve at her altar and aid in her administration; to maintain and defend the inalienable rights of life, liberty and property upon which the safety of society depends; to succor the oppressed and defend the innocent; to maintain constitutional rights against all violations, whether executive, by the legislative, by the resistless power of the press, or worst of all by the ruthless rapacity of an unbridled majority; to rescue the scapegoat and restore him to his proper place in the world—all this seemed to me to furnish a field worthy of any man's ambition." How different, and im-

William M. Evarts

measurably superior is this to the commercializing spirit that seems to pervade the profession to-day.

In his address before the American Bar Association, which will be found in his *American Addresses,* he plainly showed that he was in love with the law. The law, he said, is a "jealous mistress," and Mr. Choate's love for this jealous mistress impelled him to permit nothing to interfere with his devotion to her interests.

In an address to young men intending to enter the law he gave expression to his sentiments upon this subject. He said:

"In the first place, no young man should go into the law unless he is irresistibly attracted by it, unless he is prepared to make of it a profession instead of a trade. Next, he should convince himself that law is not a thing of quibbles and crotchets, but a body of truth as broad and well defined as human right. Next, he should study hard, as it is impossible to get too much knowledge of the subject at the beginning of his career, and finally, he should always be good-natured, honest and persevering, and he should get all the practice he can."

On another occasion he said:

"I have made it my rule never to neglect a case, no matter how unimportant it may seem. A doctor owes it to the dignity of his profession to treat a cut finger successfully just as he would a fractured skull. The same thing is true of the lawyer,

although, unfortunately, not all lawyers appreciate the fact."

As to what constitutes success he said in an interview:

"Success!" said he, keenly catching at the word, "no man is unsuccessful who has plenty to do. So long as one can honestly perform his fair share of the world's work he enjoys the only success it is possible for anybody to achieve.

"Money is not necessary, opportunity comes to everyone, but all have not the mind to see. Friends you can do without for a time, good advice we take too late, and popularity usually comes too early or too tardy to be appreciated. The most successful men sometimes have not one of all these early advantages, and it won't bring a man knowledge of the law nor enable him to convince a jury. What he needs is years of close application, the ability to stick until he has mastered the necessary knowledge. I obtained my knowledge from reading at home, and fighting in the Courts—principally fighting in the Courts. There was not any good luck about obtaining my first case, unless it was the good luck of having a sign out large enough for the people to see; the rest was hard work, getting the evidence and the law fixed in my mind. I believe that opportunities come to all, not the same opportunities, nor the same kind of opportunities, nor opportunities half so valuable in some cases as in others, but they

do come, and if seen and grasped will work a vast improvement in the life and character of an individual. I have always made the most of good luck and happy accidents. The real struggle to-day is to hold on to every advantage, and strengthen the mind at every important step. There are persons who have learned to endure poverty so well that they do not mind it any longer. The struggle comes in maintaining a purpose through to the end. It is just as difficult to maintain a purpose through riches. Money is not an end, and need is only an incentive. Erskine made his greatest speech with his hungry children tugging at his coat tails. That intense feeling that something has got to be done is the thing that works the doing. I have never met a great man who was born rich. Constant labor is happiness, and success simply means ability to do more labor, more deeds far reaching in their power and effect. Such success brings about as much happiness as the world provides. The man whose great efforts have brought success and with it all the surroundings of luxury, hosts of friends, applause of all the people, sumptuous repasts and hours of idleness and ease, is really the one whose life has been a constant refutation of the need of these things. He is the one who has abstained, who has conserved his mental and physical strength, by living a simple and frugal life. He has not taken more than he needed and never, if possible, less. His enjoyment has been in working, and I guarantee that you will find successful men ever to be plain-mannered persons of

simple tastes, to whom sumptuous repasts are a bore, and luxury a thing apart. They may live surrounded by these things but, personally, take little interest in them, knowing them to be mere trappings which neither add to nor detract from character."

In his address before the American Bar Association he expressed his love of the law, of his thorough and enthusiastic belief in his profession, and paid an eloquent tribute to it.

Comparing it with other professions he referred to theology as having been formerly considered an immutable science, but having undergone remarkable changes from age to age; as to medicine, how its theories had succeeded each other in rapid evolution, so that what were good methods and healing doses, saving prescriptions a generation ago, are now condemned, and all the past is adjudged to be empirical. His love for the law was because, as he expressed it, "among all learned professions it is the only one that involves the study and the pursuit of a careful and exact science, which makes void the part where fault is and preserves the rest, as it has been doing for centuries."

His lofty conception of the profession and its office bearers could hardly be better expressed than in his words:

"So long as the Supreme Court exists to be attacked and defended; so long as the public credit and good faith of this great nation are imperiled;

so long as the right of property which lies at the root of all civil government is scouted, and the three inalienable rights to life, liberty and the pursuit of happiness which the declaration of independence proclaims, and the constitution has guaranteed, are in jeopardy, so long will great public service be demanded of the Bar."

If the Bar were called upon to name the most interesting figure among the great Court lawyers of New York, within the past thirty years, a large majority, I believe, would name Joseph H. Choate.

He has always been considered one of the finest-looking men of our day, with features classically regular, and a high forehead over which his reddish-brown hair fell carelessly. Until sixty-five, his erect and firm carriage, healthy complexion, curling hair tinged here and there with a suspicion of gray, seemed to belie his age, which appeared to be, at most, not over fifty, and made even those who knew him at all forget that he had been an active factor in the more advanced life of New York, legal, political and social, for over thirty years. In the court-room, thoroughly master of himself, he never betrayed embarrassment or lost his self-possession. Cool and imperturbable, in the midst of lively and turbulent proceedings he preserved, throughout, a calm demeanor and serene expression of countenance. His searching eyes, prominent nose and chin, compressed lips, round shoulders and bushy hair, presented the appearance of an advocate of unusual

character, recognized as such by those who had never seen him before. His skillful management of a difficult case was invariably accompanied by an air of the utmost nonchalance and apparent indifference to the result.

When in the trial of a case, if not on his feet, he would be seated with the chair tilted back, his hands clasped behind his head, or else with his legs stretched out, and his hands in his pockets. He was never excitable; never ill-tempered; never appeared to be keyed up to make an effort. Quite likely he would create an impression that he regarded the case as a huge joke; that instead of having any merit, it was a "make-believe," and his own fun-making power would, more often than not, laugh the case out of Court. To storm or rant was impossible. He argued to the Court or jury in the same quiet, conversational way he would use if he had any one of his listeners in private. A hostile witness was never bullied on cross-examination, but gently led by shrewd and ingenious questions to put the case, before he was aware, in precisely the light Mr. Choate desired. It was most interesting to notice his handling of a "smart" witness—the perennial bore of the Courts. Apparently unconscious of the attempted smartness or evasiveness, he cleverly seized every weak point, following it up by apparently innocent questions fast upon each other, when the witness would suddenly find himself in a corner before he had time to guess what his questioner was after.

Standing before judge or jury Mr. Choate was

quite apt to thrust one hand in one of his trousers pockets, or else trifle gently with his watch chain. He would even place one foot upon the rung of a chair. He began speaking as if engaged, apparently in private conversation with an acquaintance, one of the jury. By and by judge and jury and the courtroom throng came to realize that the wonderful charm of his voice, the easy familiarity of speech, the quiet tone, the wit, were controlled by an invisible art whose effect in the making of eloquent speech was most potent. The wonderful fascination of his rhythmic sentences, his powerful diction, sentence after sentence spoken in the tongue of Shakespeare and the English Bible, revealed the fact that a master mind, and a masterly trained mind, was occupied with an attempt to convince Court and jury. Not until his speech was ended, nor after a considerable interval, was the full beauty and force of it realized.

He did everything in an apparently easy and careless way, as if it had not cost much of an effort. The nonchalance with which he strolled into Court created an impression that he had not made much preparation; that the favorable result was not by premeditation and study, but on the spur of the moment. Nothing was further from the truth. In preparation he was industrious and painstaking. He was a hard worker. I have heard him dilate on the necessity of hard work to accomplish satisfactory results.

At the farewell banquet given by the Lord Mayor

at the Mansion House, May 5, 1905, he refers to this:

"I was brought up," he said, "to believe that work, hard work, was the end and aim of life—that that was what we were placed here for, but on contemplating your best examples I have learnt that work is only a means to higher ends, to a more natural life, and the development of our best traits and powers for the benefit of those around us, for getting and giving as much happiness as the life of humanity admits."

He gave all his cases thought, study and careful investigation, but there was no outward indication of it. The apparent ease with which he extracted the facts from witnesses, the attractive and delicate play of humor with which he presented them to the jury, were prime factors in securing a favorable result, but they were the outward manifestation of careful preparation. While Mr. Evarts was at the Bar, Mr. Choate was in the background. Mr. Evarts occupied the center of the stage, and was in the limelight. It was not until Mr. Evarts became a member of President Hayes' administration, in 1876, that Mr. Choate took the place Mr. Evarts so long filled. He was then about forty-four years of age. He had been active in the trial of jury cases, but in his profession was little known except as an exceptionally able jury lawyer, who seemed to lack the fundamental legal knowledge essential to

successful advocacy before appellate tribunals on questions of law. Before juries his style was so plain and simple, there was such absence of attempt to produce striking oratorical effects, all was so easy, natural, and quite as a matter of course, that it seemed to jurors very much as Garrick's acting did to the countryman who responded to an inquiry as to how he liked Garrick's acting, by saying, "Why he did not *act* at all, he just talked, and went around like any of us; he is no actor." But underneath it there was the well-trained mind of the well-equipped lawyer enabling him through a series of years to cope with the great masters of the law, before the Court of Appeals of New York, and the Supreme Court of the United States, and deal successfully with some of the most important legal problems of our time. As before juries, so before appellate tribunals, he displayed simplicity of style and language, making the matter appear so plain and one-sided that it was as if he was explaining to school children something which, to their elders, would require no explanation. If an illustration of this in a case of the first importance were needed it would only be necessary to turn to the Income Tax Cases (157 U. S. 429) and read what is evidently a part of his oral argument before the Supreme Court of the United States. Before judges, as before juries, he gave the impression that the matter in hand was not at all difficult, that there was really but one side to the case, his side, the justice of the case so self-evident it was hardly worth while to spend very

much time over it. He made this impression, although always far from saying or doing anything to lead juries and judges to think that he was trying to make it. He never dealt sledge-hammer blows; he was never commonplace; with a jury he was kindly, witty, gracious and familiar, and they felt complimented by his treatment of them. He never quarreled with his adversary, never indulged in wrangling, and won his cases by good-temper, self-control, tactful methods, persuasive humor and accurate judgment of men. His success before appellate tribunals as before juries was well deserved because based on a solid foundation of extraordinary capacity, supplemented by unwearied labor. Consequently, although without such good fortune as Mr. Evarts enjoyed in cases of national importance, like the Beecher case, the Geneva Arbitration, the President Johnson impeachment case and some others, he gradually attained to, and completely filled, the place which his great predecessor had occupied, and as an all-round lawyer became leader of the Bar. The only one who could dispute the leadership with him was Mr. Carter, and it was Mr. Choate's magnanimity which led him to refer to Mr. Carter as the leader of the Bar, but if a poll of the Bar had been taken as to which was the real leader, I believe it would have shown that it was Mr. Choate. This result would, I think, be the outcome of a general consensus of opinion that in all the qualities of a great Court lawyer manifested before juries and appellate tribunals he was foremost. He was not so

learned as Mr. Carter, but as an all-round lawyer he was greater. Moreover, he was remarkable for the number of cases he won, frequently against Mr. Carter, while as a winner of cases Mr. Carter was not notable. I know of no one to whom in his oratory I may liken him more than Wendell Phillips, whose style, however, was frigid and lacked humor, but was so beautifully simple, and of such consummate oratorical effect as to charm the listener. In his oratory Mr. Choate used simple words, short sentences, familiar everyday expressions, nothing strained, forced or unnatural, no oratorical display, weaving into the fabric of his arguments silver threads of sparkling humor, good-tempered raillery and audacious fun, at times, almost appalling.

Before Courts he was perfectly independent, never obsequious, and there were times when he could remind judges that they were not above criticism. This independent spirit was illustrated on an occasion when he indulged in a comment before a judge who, becoming incensed, said from the Bench, "If you say that again I shall commit you for contempt." Upon which Mr. Choate replied: "I have said it once, and it is unnecessary to say it again." On another occasion a judge allowed his attention to be diverted from an argument Mr. Choate was making. Mr. Choate stopped, and the judge looked up in surprise. Mr. Choate addressed him: "Your Honor, I have just forty minutes in which to make my final argument. I shall need not only every

second of my time to do it justice, but I shall also need your undivided attention." "And you shall have it," the judge courteously replied.

In another case when Mr. Choate asked for the postponement of a trial of an action, until he had finished another trial in which he was engaged: "No," replied the judge, "this case has been kept waiting long enough, the trial must proceed now." "But I cannot leave in the midst of a trial before the Surrogate," expostulated Mr. Choate. "I shall order the trial to proceed at once," exclaimed the judge snappishly. "Your Honor," replied Mr. Choate, speaking slowly and with icy politeness, "undoubtedly has the physical power to order me to proceed with the trial forthwith, but your Honor has not the legal power to order me." The judge flushed with displeasure, but immediately granted an adjournment.

A striking instance of his fearless and independent spirit in dealing with the judges was when Recorder Smyth undertook to punish John W. Goff, himself subsequently Recorder, and a Judge of the Supreme Court, for an alleged contempt of Court while defending a prisoner. Mr. Choate volunteered his services in the interest of the protection of the profession in doing whatever may be legitimately regarded as necessary in the discharge of duty. Mr. Choate, in presenting the case, declared that Mr. Goff had not committed a contempt because his conduct on that particular occasion was not what Recorder Smyth declared it to be. "But," inter-

rupted the Recorder heatedly, "I saw him do it." "Then," replied Mr. Choate quite calmly, "it becomes a question, of course, between your Honor's personal observation, and the observation of a crowd of witnesses who testified to the contrary. Was your Honor ever conscious," he asked, "of being absolutely convinced, from the very outset of the trial, that a certain person was guilty? If not, then you are more than human. Was your Honor ever conscious, as the trial proceeded, that it was impossible to conceal your opinion? If not, then you are more than human. Well, that has happened in many Courts, and time and again when it does happen, it arouses the aggressive resistance of every advocate who understands his duty; and he would be false to his trust if it did not arouse him." The Recorder was evidently embarrassed, and not at all pleased, but saw that a question of fact was raised by Mr. Choate, and that this question of fact involved a question of veracity. This manly and independent stand in upholding professional independence induced the Recorder to hesitate to proceed to extreme measures, and he found a way out of the difficulty, by reading the assemblage of lawyers and others present a homily on the duty of the profession with respect to their conduct in the presence of the Court, and terminated the proceedings by taking no further action.

In his arguments there was an entire absence of technicality. He never indulged in fine-spun theories, or relied on technicalities. He was broad-

minded; he took a comprehensive view of the law and facts; his appeal was to an innate sense of justice, to reason and intelligence, and he did it in plain, simple, concise and familiar everyday phrases.

Mr. Choate's supremacy as an advocate was due to the lucidity of his mind, which did not have a trace of the pettifogging spirit. He mastered his case, then swept aside the minor details, and technical arguments, and directed his attention to the salient points and broad issues. Luminous exposition gained for him the most remarkable triumph of his career—the decision of the United States Supreme Court that taxation of incomes was unconstitutional.

Judge Patterson, of the Appellate Division of the Supreme Court, described him as having so many cases he was sometimes obliged to begin an argument without opportunity to repossess himself of the facts and line of argument. With a few sentences of a formal character, at the same time turning over the leaves of his brief, and slowly continuing with unimportant observations, evidently taking an opportunity to familiarize himself with the case, after a few minutes the points of the case would seem to come back to him, and he would gradually warm up, as he recalled them, and make an argument of really great service to the Court.

Before the Supreme Court of the United States he was arguing once, when his opponent interrupted him by saying, "Mr. Choate, you are arguing di-

rectly contrary to what is stated in your brief," to which he wittily retorted, to the great amusement of the Court, "Oh, well, I have learned a great deal about this case since that brief was prepared."

It is said that when he presented a case to the United States Supreme Court, where audiences are attracted by the presence of eminent lawyers, the room was almost always packed with listeners.

Mrs. Choate happened to be among some lawyers who were speaking of the other lawyers, when one of them remarked, "then there is Choate who runs on greased wheels all the time."

In his practice before the Courts, especially in jury trials, he found a sphere of action entirely congenial and suited exactly to his natural powers. He delighted in forensic contests; they never palled upon him; they were what he liked best of all things. When he reached an age at which retirement from active practice might have been expected, he was asked why, after his successful career, he did not retire on his laurels; his ready response was, that he did not know where so much fun was to be found as trying cases in the Courts. If he got fun out of it, is it not because he put fun into it? We were conversing about litigation in the Courts, and the opportunities for lawyers in that direction, and his final comment was, "I don't think lawyers get so much fun out of it as we used to do." His reply was as innocent of consciousness of his fun-making power as that of Bishop Phillips Brooks was of his attraction as a preacher. When, after preaching to

a crowded audience, in a church of his diocese, which he had been informed was sparsely attended, his comment was that this information must be incorrect for he saw no evidence of it.

The versatility he displayed was nowhere more noticeable than in the different branches of the law his large practice involved. Although he undoubtedly had the co-operation of able advisers, notably his two partners, William M. Evarts and Charles F. Southmayd, it would have been impossible for him to master the law and facts of his cases, and win his triumphs without a versatile intellect, capable of appreciating, and assimilating, a great variety of subjects, often involving complicated and difficult questions of business, and abstruse points of law. But this valuable assistance by no means covered his entire career and was confined rather to its earlier stages.

He always saw humor in his cases, and if he had indulged all he discovered, it might have proven tiresome, but he had just that tactful appreciation as to how far to go that led him to stop at exactly the right point.

With humor as a weapon he was a most formidable antagonist. Thus armed few could successfully cope with him, and then only with a different sort of weapon. To some, his use of humor was at times exasperating, seeming almost to be taking undue advantage "with malice prepense." For example, after he had goaded one of his adversaries to almost a frenzy, he remarked to his associate as

they were finishing lunch, and the Court was about to resume its sitting: "Let us go over to Court and have some more fun with the opposing counsel." His way of beginning an argument was frequently such as to ridicule, and make fun of the case. To illustrate, he was arguing a case against the Elevated Road involving its right to erect its structure on Sixth Avenue. He began thus: "I do not propose in the portion of the argument allotted to me to follow the learned counsel for the defendant, in seeking for the details of the physical—the material —invasion of our clients' soil and buildings, in which they have unsuccessfully groped through our coal hole in search of our supposed cause of action."

It is difficult to convey, without the surroundings, the tactful way in which, without exposing himself to criticism, he could, by humor, direct a severe counter-attack called forth by the tactics of his opponent. An instance of this is his summing up in a case in which he represented the plaintiff against a bank. The president of the bank, whose face wore an expression of superior virtue, was dressed in the severely simple garb of a Quaker, with a large white necktie. He was accompanied by the secretary of the bank, an alert and keen man of business. The defendant's counsel had alluded to the high character of these two, and coupled with it a reflection on the plaintiff as a sort of vampire. When Mr. Choate's turn came he alluded to this in his kindest and blandest tone, as follows: "Gentle-

men, you have heard the defendant's counsel compare the plaintiff to a vampire. Did you ever see a vampire? Do you know what a vampire is? If not, I will show you what a vampire is. Do you see that old gentleman dressed like a Quaker, with a large white necktie, and that keen-witted young man seated at his side? Well, *they* are vampires. Now after this you cannot say that you have not seen a vampire."

But there were occasions when his attempt to make fun would bring him to grief. No witness could easily disturb his self-possession, but, at least once, he was as nearly disconcerted as it was possible for him to be.

During the trial of a well-known will case, Mr. Felix McClusky, formerly doorkeeper of the House of Representatives, was testifying.

"Now, Mr. McClusky," insinuatingly asked Mr. Choate, "is it not true that you are the modern Munchausen?"

"You are the second blackguard that has asked me that within a week," roared McClusky, and he got no further. A shout of laughter, at Mr. Choate's expense, drowned the rest of the retort.

It is no wonder that juries and judges as well should have been unable to resist the charm of his simple and easy eloquence, so informal, of such everyday character, so free from flights of oratory, such simple and direct presentations of the facts of the case, lit up by flashes of wit, that they could not help being interested and amused. This simple

and easy style carried into the appellate tribunals in the presentation of knotty points of law made his propositions appear so plain and indisputable that the vigorous minds of experienced judges were led unconsciously, perhaps, to regard the case as by no means difficult, and almost too plain to require much discussion. After hearing him on such occasions, the casual observer might think it would not be difficult to make as good an argument, and perhaps a better, but it would be the same as with the great verdict-getter, Scarlett (Lord Abinger), whose success evoked from a juryman this explanation of it: "No wonder he gets verdicts; he always happens to be on the right side."

His informal methods, ofttimes, in dealing with pert witnesses, is illustrated by the query he put to a witness who had responded to a question as to how he remembered so well events that happened a long time ago by remarking, "Oh, I am older than you think I am, Mr. Choate." "Indeed," he replied, "now just tell me how old you think that I think you are."

Counsel, too, often came in for a share of this byplay, which he used with ludicrous effect. During a lengthy cross-examination by an opponent—so much so that everyone was wearied—Mr. Choate sat at some distance chuckling to himself. His opponent, thinking he was being laughed at, inquired rather sharply: "What are you laughing at?" "Oh," replied Mr. Choate, "I am not laughing at you at all; I was laughing at something that

happened at the Union League Club last night, when one of the speakers had continued so long that the President reminded him that there was danger of the discussion becoming tedious."

But, as in the case of Mr. Felix McClusky, witnesses were sometimes quite equal to the occasion, and no one enjoyed Mr. Choate's discomfiture more than himself. In an informal address to the Bar of Rochester, New York, he told them of an incident of this. He said:

"I have never been in Rochester before for pleasure, but I have been here several times to prostrate myself before the judges of the Appellate Division, and you can judge how far from pleasant that sensation is. It is not the fault of your committee that I have never been here before. I was invited on two occasions, but at these times I was afraid to come. I had met with rebuffs and reverses. In the first instance I was trying a will case, endeavoring to uphold the will, and was examining an old lady, who was chief witness against me. She testified that the testatrix was a pal and crony of hers, and that she had talked with her just before making the will, and that she looked as if she did not understand what she was doing. The witness was an illiterate person, and I tried, by questioning, to get from her just how she looked. Finally I said to her, 'Well, did she look just as I am looking at you now?' After scanning me carefully she replied: " 'Well, yes.' "

This is the way he laughed off one of that considerable class of individuals who use every loophole to escape payment of hard-earned fees:

A well-known clergyman once employed Mr. Choate's services at the settlement of a much involved and heavy estate. In due time he received his bill. The client appeared in a few days with a look of deprecation.

"I always understood, Mr. Choate," he objected, "that you gentlemen of the Bar were not in the habit of charging clergymen for your services."

"You are much in error," returned Mr. Choate firmly, "much in error. You look for your reward in the next world, but we lawyers have to get ours in this."

His relations with his brethren of the Bar were singularly free from acrimony or animosity. He was not one to create animosity or to cherish it. It was difficult to pick a quarrel with him because it takes two to make a quarrel, and he was not quarrelsome. He was so free from the "peppery" quality, so easy-going, that it was almost impossible to arouse in him anything like indignation. I never heard of him losing his temper, or becoming angry. His practice of the law was on broad and generous lines. Although he never fought a case on technicalities, it is probably true that, when hard pressed, he took refuge in a technicality if it happened his way. I do not think he went out of his way to look for it. He was fair, although firm, and he treated his adversary in a broad-minded and open-

handed way. He despised anything like sharp practice. One of his contemporaries, opposed to him, was a prominent Presbyterian, of whom he remarked that "he is a Christian above Twenty-third Street." His adversary had obtained a somewhat questionable advantage, which necessitated an application by Mr. Choate to the Court to undo. After the matter was argued the judge promptly decided it in Mr. Choate's favor, whereupon he remarked quite audibly, "Well, between a Presbyterian and a Jew I want you to give me a Jew every time."

When the controversy in the Presbyterian Church over the case of Dr. Briggs, charged with heresy, was at its height, one of the counsel opposed to Dr. Briggs sent him an octavo volume, containing a report of the proceedings. This lawyer was well known for his large practice in matters of reorganization of corporations, wrecked by financial mismanagement. When Mr. Choate met the lawyer he courteously acknowledged his gift, but added, "I cannot see what you are after, unless it be to wreck the Presbyterian Church, so that your firm may have the business of reorganizing it."

His brethren of the Bar, notwithstanding that beneath his geniality there was a certain reserve and consciousness of superiority that forbade familiar intercourse, admired his ability, and were always ready to acknowledge it by the bestowal of any honors within their gift. This led them to elect him President of the Bar Association at an earlier

age than any other of its Presidents, and he served during 1888 and 1889.

His ingenuity early in his career in extricating a client from serious inconvenience, the following incident, as related to me by him, will illustrate.

"One of the first acts of Mr. Lincoln was to appoint James Watson Webb Minister to a foreign Court. He was heavily burdened with debt, and two or three days before he sailed he came into my office and said that his creditors had been following him up, and an order had been served upon him requiring him to appear before the Court the day following his intended departure, and wanted to know what he could do. I asked him if he owed the money and he said he did. I asked him what defense he had. He said he hadn't any unless I could make up one; so I sent for the Constitution of the United States. It stated that the Federal Court should have exclusive jurisdiction of Ambassadors, Ministers, Consuls and other representatives in foreign countries. So I appeared at Court and put in an affidavit stating the fact of General Webb's appointment and moved to vacate the order on the Constitutional ground already stated. My opponent exclaimed, 'this is all nonsense, the Constitution refers to *foreign* Ambassadors, Ministers, &c., and not to those appointed by this country to represent it in foreign countries.' 'Well,' I replied, 'let us send for the Constitution and see what it says, and you will find that you and

not I have been misleading the Court.' So the Constitution was sent for and I read the provision. 'Here we have it; it does not say foreign Ambassadors, Ministers, &c., but exactly as I stated it, and General Webb is a Minister to a foreign country and is protected by the Constitution. The judge held that the language of the Constitution covered General Webb's case and the order was consequently vacated, and he sailed for Europe leaving his creditors to mourn his departure. "This," Mr. Choate said to me, "was my first great Constitutional case."

The Income Tax cases and that of Neagle who shot Judge Terry in defending Mr. Justice Field show his mastery of Constitutional questions; the Bell Telephone cases of patent law; the Leland Stanford and Stewart will cases of testamentary law; the Behring Sea case of international law; the cases of Hutchinson and Loubat against the New York Stock Exchange, of the law of membership in unincorporated associations; the Fitz-John Porter case of martial law; the case of the Republic against the Aurania, and his exposition before the second Hague Conference of "immunity of private property at sea" his grasp of admiralty law; the Gilbert Elevated Railway cases involving the comparatively new and little explored subject of rights of adjacent owners in public streets, and a multitude of cases involving commercial law; the law of domestic relations and of injuries to persons and

property, exhibit him as a master in widely different departments of jurisprudence.

In the General Fitz-John Porter case, where he succeeded in reversing a finding of guilty pronounced against that officer sixteen years before, the Adjutant-General appeared in full regimentals, with cocked-hat, epaulets and spurs, and indulged in an argument consuming forty-eight hours, in which he dealt mainly with army regulations which, it was said, "veteran army officers knew better than their prayers." Mr. Choate, in his inimitable manner of childlike simplicity, began his argument by saying: "We have listened with patience to the remarks of the distinguished Adjutant-General of the United States Army. His long argument reminds me of the advice once given to the graduating class in the Theological Seminary of Tennessee: 'Now, boys, remember one thing, do not make long prayers; always remember that the Lord knows something.' "

In the interesting sketches of his kinsman, Rufus Choate, of his friend, James C. Carter, and of his partner, Mr. Southmayd, and those relating to the law and the Courts, there is excellent evidence of culture, literary gift and versatility as applied to lawyers and the law, in expressing just and accurate appreciation of individuals, and in the treatment of strictly legal themes.

In referring to his cases, Mr. Choate remarked to me that the most important case and the biggest victory he ever had was in the Fitz-John Porter

case. I was somewhat surprised at this, because there were a number of other cases, including the Income Tax case, which loomed up into greater importance in public estimation, and I said as much to him. His explanation was that it was exceedingly difficult because it not only involved the re-establishment of the reputation of a distinguished General of the Union Armies, but the reversal, after a lapse of sixteen years, of the finding of a Court Martial, which, at the time, met with public approval and, added to this, was the difficulty in obtaining the evidence necessary to secure it. Furthermore, there was the prejudice that naturally existed in the mind of the Court convened to hear the case, in favor of the impartiality and carefully considered judgment of the previous tribunal. The case was undoubtedly one of very great importance, but quite likely Mr. Choate attached more importance to it because it was one of his early triumphs and had aroused a feeling of sentiment, which perhaps influenced his judgment.

The firm into whose employ Mr. Choate entered was conspicuous for eminence and ability, having been founded long before Mr. Evarts came to the Bar by J. Prescott Hall, a former Attorney General of the State, distinguished as a remarkably successful practitioner. He was joined by Charles E. Butler who began practice in Virginia. His removal to New York and partnership with Mr. Hall resulted in attracting important business from which flowed a large volume of professional em-

ployment. With these successful practitioners William M. Evarts, who graduated from Yale in 1837, and was admitted to the Bar about 1840, became associated and brought, even then, to the firm of Hall, Butler & Evarts ability and learning of a high order, destined, ultimately, to place him at the head of the New York Bar and in the front rank of American lawyers. Upon Mr. Hall's retirement the commanding position of this firm was not only maintained, but materially advanced, by the admission of Charles F. Southmayd, one of the ablest, most learned, shrewd, acute and practical counselors of his time. In him the firm found an associate who, appearing but rarely in the Courts, devoted his fine powers to office business and, in so doing, gathered about the firm leaders of finance in New York, and important connections in the financial centers of Europe. The firm of Butler, Evarts & Southmayd occupied probably the first place at the New York Bar. It was with this valuable association that Mr. Choate became identified as an employee and, after four years, as a partner.

The retirement of Mr. Charles E. Butler caused a change in the name of the firm to Evarts, Southmayd & Choate. A number of able lawyers of a younger generation were, from time to time, admitted to partnership in the firm and one of them, Mr. Charles C. Beaman, was destined to occupy a prominent place in his profession and in the social life of which it was the center. He had obtained wide experience and extensive acquaintance while

private secretary for Senator Sumner of Massachusetts and, later, as counsel for claimants in the distribution of the award secured by Mr. Evarts as counsel for the United States before the Geneva Arbitration of the Alabama claims.

At scarcely sixty years of age, when in his prime and the height of his power as a legal adviser, Mr. Southmayd, wearied with the heat and burden of the day, and with a large competency, retired from the firm.

Mr. Southmayd lived for nearly twenty-seven years after his retirement, and died at the advanced age of nearly eighty-seven years. Among Mr. Choate's addresses of a biographical nature there is none more discriminating or characterized by a more genuine feeling of affection than his memorial of Mr. Southmayd delivered before the Association of the Bar in 1912. It is well worthy of a prominent place among his literary productions as a character sketch of a unique personality—of a type no longer seen—and an admirable specimen of Mr. Choate's composition at its best. Of Mr. Southmayd he says:

"As he was one of the great lawyers of his time and commanded the unbounded confidence and esteem of all the leaders of the profession, we may well pause for a few minutes to contemplate his career and to consider the great changes which it had witnessed, although to the man of to-day he is only a name and hardly that. But some of us can remember when he was the leading figure in

Charles F. Southmayd

everything that involved sound learning and technical skill in the law. He came of good old New England stock, the first emigrants of the name having landed at Salem, and I find men of his name, which is an unusual one, graduating at Harvard and Yale in the seventeenth and eighteenth centuries, with whom he was doubtless connected. Through his mother he was proud to trace a near connection with the Gouverneurs, the Ogdens, the Kembles and the Kearneys, although he was the last man to ever speak of such things. He was baptized in St. John's Chapel, which was very near his father's residence on Laight Street near Varick, Nicholas G. Ogden and Edward F. Hammeken being his godfathers, and he always claimed that thereby he had become incorporated into the Church and was entitled to good standing therein for the rest of his life. His school days, which were spent at a private school, seem not to have been much longer than Benjamin Franklin's in Boston; for, at the unripe age of twelve and a half, his teacher announced to his astonished father that he had taught the boy all that he knew and he had thoroughly mastered it, and what to do with him then was the question. Happily, Providence was on the lookout for him. Although he then actually began the study of the law at a very tender age he found it most congenial and buckled down to it in earnest.

"He seems to have had no tuition, outside the office at any rate, except what he may have got by attending Court; but he had wonderful powers of

concentration, and made such progress, and so rapidly mastered the law that, at seventeen, he came to be known in the office as the 'Chancellor'; and the story goes that when clients called they were apt to find his masters in the outer office discussing public questions, and they would say: 'Do you want to talk politics? Here we are. But if you've come on law business you will find the Chancellor inside.' . . .

"In 1837, when Southmayd, as a boy, began his studies, and even in 1841, when he bore the well-earned title of the 'Chancellor,' there were no such floods of books as those in which the law itself is now thoroughly drowned; there were but few New York reports, and still fewer American textbooks; and it was quite practicable for a vigorous young mind to master all the leading cases that had been decided here, and that is exactly what Southmayd did. . . .

"In connection with his studious reading and work in the office, he was a frequent attendant upon the Courts, and made himself a finished lawyer. I have no doubt that Coke upon Littleton and Blackstone had come in for a share of his attention; and we may be sure that he knew much of *Kent's Commentaries* by heart, the second edition being then available and being, as it were, a complete review of his studies up to date. Of equity he early became a master, for his mind was naturally adapted to its principles—so fair, so just, so altogether reasonable and undisturbed by the technicalities

that were still found so embarrassing in the common law. . . .

"A great commercial case in which, while yet unknown to fame, he was deeply engaged with Judge Alexander S. Johnson, and of which I feel certain that he bore the brunt, involved many intricate and complicated questions of fact and law, and occupied several years, being contested by Johnson and Southmayd on one side, and by Messrs. Butler and Evarts on the other. Not long after it was finished, Mr. Johnson was elected to the Court of Appeals, and this left Mr. Southmayd open to other engagements, an opportunity of which Butler and Evarts, having long observed, in the litigation which he had been conducting against them, his great power of labor, his learning, skill and tenacity of purpose, quickly availed themselves by inviting him to join them on terms which were very soon made equal. Thus, in 1851, was formed the firm of Butler, Evarts & Southmayd which, with various successions, has continued until this day. . . .

"During the whole period of his connection with it, until he retired at the age of sixty in 1884, Mr. Southmayd was the mainstay of the whole concern. If there was a knotty point of law or practice to be decided, a difficult will, trust or contract to be drawn, an important opinion to be prepared, it was almost always left to him, and he always succeeded—he would never give in till the problem was solved; and as he was known to be always at his desk, clients at all hours flocked about him for

advice, which is, I think, the most responsible and difficult part of our whole professional work. And then, too, in consultation he was invaluable. You can imagine what a resource it was to Mr. Evarts or to myself, coming down from Court at the close of a protracted and exciting day, to talk over with him puzzling and unexpected questions that had arisen, and get the benefit of his cool and quiet judgment.

"He hated to go to Court himself, and only went very rarely, on great cases which had arisen out of important opinions given by himself, which it was vital to the interest of his clients, who had acted upon them, to sustain. . . .

"In truth, Mr. Southmayd had a perfect genius for the law, and there was no department of it to which he was not fully equal, except only trial by jury, for which I think he cherished a secret distrust. At any rate, he never cultivated any of the forensic arts which came into play in jury trials, and never could have got an impossible verdict. . . .

"I do not believe that Mr. Southmayd ever undertook the trial of a jury case, where he would have been indeed a fish out of water. But, in all legal questions he was supreme, and no lawyer in this city ever enjoyed more absolutely the confidence of his clients. As the business grew and great questions, interstate and international, arose, his professional reputation rose higher and higher, until, as I have heard, the bankers of Holland would not take an issue of bonds under a railroad mortgage

unless Southmayd said it was all right, and the great lawyers of the city sought his opinion upon questions that arose in their own practice.

"With many eccentricities, as will presently appear, he had an absolutely honest and straight mind, and with unerring instinct went right to the root of the matter submitted, stripped off everything that was superfluous and irrelevant, and decided it upon some impregnable proposition of law.

"As a draftsman in his best days he was, I think, without an equal. He seemed to be able to provide for every possible contingency, so keen and acute, and, at the same time, so far reaching was his mental vision. But, in his later years, this habit grew upon him to an almost disabling extent. So that sometimes you had to follow him through sentences whole pages long in his effort to provide for contingencies that would probably never happen.

"In addition to great learning and inexhaustible power of labor, untiring patience and common sense, he had the great and unspeakable gift of character, which is more than all the rest combined in the formation of a great lawyer, stooping to nothing, tolerating nothing small or mean or low, maintaining always the highest standard of personal and professional conduct, and putting everything to the test of his own good and clear conscience.

"It was in recognition of his eminent position at the Bar and great learning that Yale University, in 1884, conferred upon him the degree of LL.D., which he most highly appreciated.

"He uniformly refused, for himself and for the firm, to take any pecuniary interest in any matter that was intrusted to his or their professional charge, believing that it tended to professional degeneration, and that clients could only be properly served by lawyers who had no personal interest in the matter involved to advance or protect. Of contingent fees in any form he had a special horror, and regarded the change of statute which made them possible as a serious damage to the profession, and the judicial iniquities, the exposure of which led to the formation of this Association, made him one of the most enthusiastic and zealous of its original members. The Bar Association, in fact, never had or lost a member who reflected upon it greater honor. If Mr. Evarts were alive to-day, I am sure he would join with me in declaring that much of our professional success and repute was due to his support, his assistance, his inspiration.

"For myself, I can give no better illustration of this than in the celebrated Income Tax case, in which was accomplished what was at the time regarded, at home and abroad, as the almost impossible achievement of overthrowing, in the Supreme Court, the entire scheme of an Income Tax embodied in an Act of Congress. I might almost say with entire truth that it was Southmayd, who never went near the Court, who won the case. He was then seventy years old; he had retired from practice ten years before, and all that time he had refrained

from any legal labor. In fact, as he claimed, he had ceased to be an attorney at law, and when he had occasion to put his name to a brief, he always signed 'Charles F. Southmayd in person.'

"What he regarded as the iniquity of the Income Tax aroused all his old-time energy. By this time he had an ample income of his own which was affected, and he had a strong idea of the right of property being at the foundation of civilized government. Other men have five senses, but he had a sixth—the sense of property—very keen and very powerful; and he also had an abiding allegiance to the Constitution, under which the country had so long prospered, and an abhorrence of any violation of it. So, when he heard that I was to be in the case, he volunteered to prepare a brief, which proved, when completed, to be the keystone of the whole argument, and, indeed, of the decision which overthrew the Act of Congress. . . .

"It was his masterful brief that drove the entering wedge which by its cleavage demolished the Act, while the rest of us who appeared in Court, and argued the cause to its final conclusions, on the foundation which he had laid, won an undue share of the glory. I have heard from the clerk's office that all the judges called for extra copies of his brief, but for none of the others.

"Mr. Southmayd retired from practice at sixty, being afraid, as he told me long afterward, that if he continued, he might make some mistake, which I really believe that up to that time he had not done

—at any rate he had made none that anybody else had found out.

"His professional life from the beginning to end had been a signal success, and had brought him ample rewards. But necessarily, from the way in which it was begun and continued, it had cut him off from everything else. Beginning the study of it at twelve, and never relaxing the earnest pursuit of it, he lost his youth altogether, an irreparable loss to any man in any walk of life. Outside of the law, he had almost no interests—none of those bright gleams and dreams and illusions of boyhood which, for most of us, sparkle at the threshold, and brighten all the rest of our lives, lighten our burdens and help us to forget our woes—none of those joyful reminiscences and early friendships that light us on our way. Withdrawn from social life, he had but few friends, but with them he was always so genial and gentle that it was ever a thousand pities that he hadn't a hundred times as many. Shut into the deep and narrow canyon of professional study and labor, he hardly knew what was going on outside of it, and had no other interest, no hobby, no possibility or capacity for sport. But he did enjoy his work, and I am not sure that the keenest professional sportsman ever gets half as much pleasure and satisfaction as he did out of that.

"Mr. Southmayd was never married, and led a truly solitary life. Doubtless in his earlier years he must have had some romantic sensations and experiences and, perhaps, disappointments. But, as

the rolling stream of Time bore him along, as the walls of his narrow life began to close in upon him, and his natural love of accumulation grew, he seemed more and more to regard women as painfully expensive luxuries which might as well be dispensed with. 'Your women folks will be the ruin of you yet,' he used to say to me in a half-joking, half-serious way. Of course there was nothing personal intended. It was merely a concrete expression of his general and abstract dread of cost. But I was bound to defend my own fireside, and always answered him in kind in some way, which pleased him mightily.

"His later life was full of apprehensions. When a man retires at sixty from very active practice, with no native resources to fall back upon, no hobby to ride, no studies to pursue, his thoughts necessarily turn in upon himself and prey upon his inner consciousness, and so it was with him. No sooner was one apprehension dispelled, than others equally groundless came in various and shifting forms—apprehensions for his health and life, for his property and, at last, even for his personal liberty. The ever-growing list of misdemeanors, created by statute, disturbed him, and he even employed counsel to watch for such statutes introduced into the Legislature—man-traps, as he called them—lest he might, without knowing it, commit offenses which might involve the penalty of imprisonment.

"Thus, as his professional life began too early, so it ended too early and too abruptly, and he lost

the great satisfaction of continuing to the end his usefulness to society which had once been so great.

"Of course, he was always a *laudator temporis acti.* Never changing (and I hardly observed any change in his appearance, his dress, his manners or mode of conversation from the time I first knew him in 1855), he hardly realized that the world was changing all the time as it rushed by him. The judges of to-day he compared with Chancellor Kent, and Chief Justice Marshall, with Justice Nelson and Judge Oakley, and the lawyers of to-day with Daniel Lord, George Wood, Charles O'Conor and William Curtis Noyes. He couldn't at all keep pace with the hustle and bustle of modern New York, or with the rapidly changing customs and habits of the profession.

"He was really the most conservative man I ever knew, and, of course, prejudices grew upon him as years rolled on. Modern improvements had no charms for him, but his aversion to new methods was always mingled with much pleasantry, which indicated a consciousness in himself of falling behind the age. Perhaps no better illustration of this was presented than in his attitude toward new modes of locomotion and travel, as they came pressing fast upon each other. His pet aversion was the elevated railroad, and it was his favorite boast, to his dying day, that he had never traveled upon it. When it was first constructed, he declared that he would never go upon it until the Court of Appeals

should decide that its owners were bound to pay damages to the abutting property owners. The failure to provide expressly for this in the original charter shocked that keen sense of property of which I have spoken. Well, it took long years of severe litigation to establish this liability, and in the meantime he had moved out of Ninth Street, where he had lived for a quarter of a century, giving the quaint reason for moving that death had visited every house but his in the block.

"But, at last, the Court of Appeals decided, as he thought they ought, that such liability was necessarily implied in the Act, though not expressed, and so compelled the company to pay many millions of dollars in damages to the abutting owners. Meanwhile, he had traveled daily all the long journey of four miles from Forty-seventh Street to the office in the Sixth Avenue surface cars; and I said to him: 'Come, now, the Court has decided as you wanted them to; get on the elevated road with me and shorten your journey home by half an hour.' 'No,' said he, 'it's a fraud, anyway, and I never will ride on it,' and he never did, but continued his slow transit by the Sixth Avenue surface cars. But at last this came to an end. For one cold November day as he entered the car, seeing something unusual under the seat, he asked the conductor what it was, and being answered 'a stove,' he stopped the car and quit the line: 'Never could ride with a stove in the car.' He then took refuge in the Fourth Avenue car, which he liked much better: 'Better cars, better

air, better people.' But this didn't last very long, for one day, standing on the corner awaiting a car, he saw one coming without any horses—an electric motor—and that he could not stand.

"He never could tolerate motors—never once rode in an automobile—thought severe penalties ought to be visited upon their owners. And thus, at last, he was driven to take refuge in cabs, and here, too, his eccentricity was made manifest, for although he had an excellent pair of horses, coachman and carriage of his own, he never would drive up and down in it. And when I asked him why not, he said because of the common law rule of *respondeat superior*. 'If I hire a cab and an accident happens, I incur no liability. That falls upon the owner.'

"His quaintness was always tinged with a sense of humor. Having laid the foundation of his own ample fortune in strict economy and unflagging industry, he used to say that every young lawyer ought to begin by laying aside all of his professional income, which he himself had been so situated as to be able pretty nearly to do. 'But,' said I, 'you surely don't mean the whole of it. Wouldn't half do? The man must live.' 'Oh, that doesn't follow,' said he; 'if he'll only follow my rule, he will soon be able to live upon the income of his income.'

"I think one could have almost told his calling as he walked the streets—a solicitor laden with many precious secrets. Matthew Arnold, who made

his acquaintance the Summer that he spent in Stockbridge, was perfectly delighted with him, and greatly enjoyed his company, saying that he reminded him for all the world of an old-fashioned English solicitor dug out of Dickens or Trollope or Thackeray, and he certainly was all that, with a vast deal of skill and learning besides. In the quiet confidences of the office, he was quite a match for Evarts in quickness and repartee, and it was a rare treat for the youngsters, in the occasional intervals when there was nothing more serious to do, to hear them chaffing each other in a very merry trim. . . .

"His will, made in August, 1899, is not only holographic, but almost autobiographic in its fullness and particularity. Written in his own hand on fifty-seven pages of foolscap paper, it sets forth with extreme particularity many incidents of his life, and recalls and provides handsomely for the children of his deceased partners; remembers even his remote relatives, such as daughters of deceased cousins, second cousins, as he rates it, and second or third cousins or otherwise, as the proper rating may properly be, and leaves considerable legacies to the New York Law Institute and to the Association of the Bar of the City of New York.

"Take him for all in all, we ne'er shall look upon his like again—a great lawyer—an absolutely unique character—an honor to our profession for sixty years. I owe him more than I can tell, and am glad to transmit to those who did not know him, this quite imperfect picture of the man." . . .

With these eminent men, and those from time to time associated with them as junior partners, the firm was generally composed of not less than six or seven members. Here Mr. Choate found his great opportunity and won renown.

For the first ten years of his association with Mr. Evarts he was busied assisting him in the preparation and trial of cases. Mr. Evarts was constantly in Court, in jury trials or equity cases or before appellate tribunals. Mr. Choate's duty was the preparation of these cases for trial. Of course, this was done, as in all similar instances, after consultation between them, in which Mr. Evarts laid out the plan of campaign and Mr. Choate worked out its details. It would have been difficult to find two minds better constituted to get at the merits of a case and the vital points of law controlling it. Mr. Evarts was the great lawyer deeply versed in legal knowledge. Mr. Choate, his junior, could furnish useful suggestions and devote attention to the details of preparation which might almost be said to win the case if it were possible to win it. Undoubtedly, it was in the work of preparation primarily that the battle was lost or won, and the responsibility for preparation belonged to Mr. Choate. It was frequently the case, as might have been expected, in the large number of cases which Mr. Evarts had to try and argue that at times he would be obliged to go into the trial of a case with little opportunity to know what the case was about, except that general knowledge he had acquired from the fact that the

As Junior Partner of
Butler, Evarts and Southmayd

case was in his office and that he was expected to try it. In subsequent years Mr. Choate's experience was similar and, in referring to it, he alluded to Mr. Evarts' experience. "At times," he said to me, "Mr. Evarts would have to go into Court without any preparation. I would be thoroughly familiar with the case and have the evidence in proper form for presentation. The duty would then devolve on me, as his junior, to open the case, if we were for the plaintiff, and commence the introduction of the testimony. It was marvelous to notice how soon Mr. Evarts would acquire a complete mastery of the case. He would listen carefully to my opening, and while I was introducing formal testimony his eyes would scan the written pleadings, and his ears be open to the testimony, and in an hour's time he would know all about the case, and be thoroughly prepared to meet his adversaries at every point." Thus in these early years in charge of the office and local Court practice and trying the minor cases, which Mr. Evarts could not be expected to manage, in view of the large number of important cases which his constantly increasing reputation, and his firm's distinction, brought to him, Mr. Choate acquired experience as a trial lawyer.

During these years Mr. Evarts appeared in a large number of cases which attracted national attention, and found in Mr. Choate an able coadjutor, fully worthy of his confidence, and one whose influence on his success Mr. Evarts has often acknowledged. But it was not long before Mr. Choate's

ability manifested itself clearly. He made the most of every opportunity and proved himself invaluable to his firm. The prestige of his name and fame as a lawyer won by patient endeavor and slow process, was carved out by sheer force of indomitable will, untiring industry and extraordinary intelligence.

One of his early cases was that of the Hynes Estate which involved the title to a residence on the corner of Madison Avenue and Twenty-seventh Street. Mr. Choate, for the plaintiffs, in his opening address to the jury, began his outline of the case as follows:

"The most observable thing about the case is the startling inequality of the contestants. The two children you see before you are the sons of the deceased; Willie the elder, is about six years old, and Andrew, the younger, is but four. They claim this property as sons and heirs of their father, subject only to the dower right of their mother. The property is claimed on the other side by two wealthy and powerful ladies, the children's aunts, and sisters of their deceased father. It is not a case of the babes in the wood contesting with a cruel uncle, but rather with their kind aunts—two entirely estimable ladies. As I believe, the question in the case is the claim and a counter-claim on the part of the defendants as to the ownership of this property, and from the answer is disclosed the momentous and startling fact that these little boys never had a right to be born.

"As the defendants have not yet shown their hand, we are at a loss to know on what ground they contest the claim of the boys to the property. The question in the case is as to the marriage of the parents of the boys, notwithstanding the fact that they lived together as man and wife, and supposed themselves to hold that relation to each other in England. Their father introduced the mother of the boys as his wife, and she presented him to her friends as her husband. During a drive with his friends he was accidentally thrown from his carriage, and killed, without having made any arrangement of his affairs. If he had made a will there would not now be any attempt on the part of the aunts to bastardize the two children. When the mother made her way here with the boys, thinking that they had nothing to do but to prove their identity, and claim the property, they were met with the assertion that their father and mother were not married, and, therefore, they could not touch the property."

During the trial it became necessary for the defendants to prove the authenticity of thirteen volumes of the official statutes of England, and what occurred in this connection is an illustration of the byplay in which Mr. Choate sometimes indulged.

A librarian was called as a witness who testified: "I know that they are the official statutes of England. I never heard them actually cited in Court,

but they are called for largely. They are consulted by lawyers and judges."

"What judge did you ever see consulting either of these volumes," asked Mr. Choate.

"I don't know that I could name any one now."

"Was it a judge of the Marine Court, Common Pleas or a police court justice that you saw studying them?"

"I could not state that definitely."

"Can you tell any lawyers that you saw consulting these books?"

"Oh yes, many of them."

"Please name one."

"Well," said the witness, hesitating, "there was Mr. Brown day before yesterday."

"Name another."

The witness was evidently much confused and after a thoughtful pause said, "It is very hard to remember just now," and he was allowed to step down.

Mr. Choate argued that the proof offered did not conform to legal requirements, that when foreign law was introduced the party appealing to it must bring in a book printed by the authorities of that country, and that the books introduced by the defendants did not bear any evidence of having been printed by the authorities of Great Britain.

The judge suggested that it was sufficient proof of the authenticity of the book that there were printed upon the title page the words "by authority."

Mr. Choate said it was necessary that the book should be printed, not "by authority" of somebody merely, but that they should be published by authority of Great Britain, and the title pages of the volume in question did not show that.

The Court remarked that there can be no other authority to make laws in England than that of Great Britain.

Mr. Choate examined the books and remarked in a serio-comic way that they were probably bogus copies gotten up for the case in dispute. The opposing counsel offered to read a letter of the Lord Chancellor to show their authority.

"Lord Chancellor? Who is the Lord Chancellor? He's nobody," exclaimed Mr. Choate. "There is absolutely nothing in these books (turning over the leaves) to show they were published in England unless it is the picture of a lion rampant at the bottom of the title page." [Laughter.]

Defendants' counsel (thumbing the leaves of another volume): Why, here are the words "Printers to the Queen's most excellent majesty."

Mr. Choate (with his eyes fixed on the title page): Well, there are other "Queen's most excellent majesties."

Defendants' counsel (reaching for another volume): That's so, but not in London.

The Court (carefully scrutinizing still another volume): In this book it appears that these laws were passed at the sixth session of the fourth

Parliament of the present Queen of Great Britain and Ireland.

Mr. Choate (analyzing the corresponding inscription in his volume): Well, will your Honor give the printer the right by saying a few words in the book to make it legal?

The Court: Well, it says "by authority."

Mr. Choate: By authority of the printer.

Of course, the Court held that the books might be received as evidence, and probably Mr. Choate's contention was more for the purpose of making a little fun for the jury.

The trial was protracted, and evidently the counsel who summed up for the defense must have been unusually bitter in his attack on the plaintiffs, but Mr. Choate with his usual adroitness indulged in a series of left-handed compliments. He began by congratulating the defendants' counsel on his summing-up as a magnificent effort. He would like, he said, a sample of the spirit with which the counsel tempered his speech; he must have taken a deeper potion than usual of gall, vitriol and wormwood to embitter this poor woman. What a gutter of calumny they had deluged this disarmed and helpless woman with, and all a grand effort of imagination! His feathered fancies soared on eagles' wings, and he indulged from the beginning to end in the purest efforts of invention, making what seemed to be bricks for the condemnation of this woman, without either straw or clay. The counsel built this structure upon what was not proved, he

distorted some of the facts that were in evidence, his speech was all there was of a case for the defense, since they had no evidence to rely on.

In commenting upon the presumption of marriage, Mr. Choate said he stood upon the law that the parties were married in a manner that holds good under the laws of all Christendom, except the British Isles, and that law was no more binding upon American citizens while traveling abroad. The other side, he said, had made a point as to the probability of the children being those of the deceased Hynes; that in all probability her first husband, Charles Saunders, was the father. "It has been said that great men project themselves into the future but I do not think that Charles Saunders was so great a man that he could project himself two years and nine months into the future. Some people believe now in miracles, we do not believe in miracles, but we pray to be absolved from such a miracle as that." It did not take long for the jury to find a verdict in his favor.

A case which probably gained for him more *éclat* as a jury lawyer than any other of his cases up to that time, was that of Martinez v. del Valle. It involved a claim for heavy damages in money against a wealthy Cuban by a beautiful young woman for seduction under promise of marriage.

The plaintiff was represented by William A. Beach, one of the most prominent and experienced jury lawyers at the Bar, whose career, until late, was in Troy, New York, and subsequently at the

New York Bar. He occupied an eminent position as counsel, especially in rather sensational cases. The case attracted great public attention and throngs attended the trial. It was said the defendant offered $20,000 in settlement to prevent the case coming into Court.

Mr. Choate won by sheer good humor, getting the laugh on his opponent by alluding in his address to the jury to defendant's acquaintance with the plaintiff having begun by assisting her to rise from a fall on the street. He said:

"Now I want to speak a word of warning to all Good Samaritans, if there are any in the jury box, against this practice of going to the rescue of fallen women on the sidewalks. I do not think my client will ever do it again. I do not think anybody connected with the administration of justice in this case will ever again go to the relief of one of our fair fallen sisters under such circumstances. I know the parable of the Good Samaritan is held up as an example for Christian conduct and action to all good people, but, gentlemen, it does not apply to this case, because it was 'a certain *man*' who went down to Jericho and fell among thieves, and not a *woman,* and the Good Samaritan himself was of the same sex, and there is not a word of injunction upon any of us to go to the rescue of a person of the other sex if she slips upon the ice. Why, gentlemen, this is an historical trick of the 'nymphs of the pave.' Hundreds of times has it been practiced

upon the verdant and inexperienced stranger in our great city."

Mr. Choate's defense was undoubtedly difficult by reason of the attractiveness of the plaintiff and the ability of her lawyer. He succeeded, however, in saving del Valle from the payment of money damages except the insignificant sum of $50. The effect of this was to sustain plaintiff's charge of breach of promise and seduction, and the defendant's claim that she had not sustained any pecuniary damage.

In an unguarded moment, under Mr. Choate's cross-examination, she had admitted that what she desired was not money but the vindication of her character. The explanation of the verdict for this small amount may undoubtedly be found in the use which Mr. Choate made of this concession; but even with it, the jury might have well considered her as meaning that she did not attach so much importance to money as she did to vindication of character, and have given her a substantial verdict.

He subjected her to searching inquiries as to the details of the occurrence on the occasion of the alleged wrong done her, for the particulars of which I refer the curious reader to that interesting book, *The Art of Cross-Examination,* by Mr. F. L. Wellman.

The result was not a sweeping victory for Mr. Choate, because he failed to satisfy the jury that his attack upon her character was well founded. But,

with her disclaimer that the purpose of the action was to recover money damages, coupled with Mr. Choate's power over a jury, the paltry damages awarded secured for his client an unquestionable victory and established Mr. Choate's position as one of the greatest jury lawyers that has appeared at the New York Bar.

One of the striking features of the trial was his racy description "of this fair and beautiful woman" while she was giving her evidence.

"Gentlemen, have you seen since the opening of this trial one blush, one symptom of distress upon her sharp and intelligent features? Not one. There was, in a critical point of her examination, a breaking down or a breaking up, as I should prefer to call it. Her handkerchief was applied to her eyes; there was a loud cry for 'water, water,' from my learned friend, echoed by his worthy and amiable junior, as though the very Bench itself were about to be wrapped in flames! [Laughter.] But when the crisis was over, then it appeared that there had only been a momentary eclipse by the handkerchief —that she had been shedding *dry* tears all the while! Not a muscle was disturbed; she advanced in the progress of her story with sparkling eyes and radiant smile and tripping tongue, and thus continued to the end of the case!

"The great masters of English fiction have loved nothing better than to depict the appearance in Court of these wounded and bleeding victims of

seduction when they come to be arrayed before the gaze of the world.

"You cannot have forgotten how Walter Scott and George Eliot have portrayed them sitting through the ordeal of their trials—the very pictures of crushed and bleeding innocence, withering under the blight that had fallen upon them from Heaven, or risen upon them from Hell. Never able so much as to raise their eyes to the radiant dignity of the Bench [laughter], seeming to bear mere existence as a burden and a sorrow. But, gentlemen, our future novelist, if he will listen and learn from what has been exhibited here, will have a wholly different picture to paint. He will not omit the bright and fascinating smile, the sparkling eye, the undisturbed composure from the beginning to the end of the terrible ordeal. With what zest and relish and keen enjoyment she detailed her story! What must be the condition of mind and heart of the woman who can detail such stories to such an audience as was gathered together here!"

Another noteworthy illustration of his pungent wit in dealing in his address to the jury with the facts adduced by his skillful cross-examination grew out of certain visits the plaintiff and Mr. del Valle made to Solari's, a well-known restaurant, and her effort to teach him the English language.

Mr. Choate: How did Mr. del Valle progress with his English?

Miss Martinez: Very well indeed. Remarkably well.

Mr. Choate: Did you practice English at Solari's?

Miss Martinez: Yes, frequently.

Mr. Choate: That was a pretty constant occupation at all your meetings in those private rooms at Solari's, wasn't it—practicing or speaking English?

Miss Martinez: We frequently spoke about the rules of the language.

Mr. Choate: Did his English during these interviews improve?

Miss Martinez: I think it did.

Mr. Choate: And you did all you could to improve it, I suppose?

Miss Martinez: Undeniably so.

Mr. Choate: You even had a book of conversation with you?

Miss Martinez: We had.

Mr. Choate: And did he make great efforts at those times to improve and advance his English?

Miss Martinez: I believe he did.

He remarked upon this testimony in summing up to the jury as follows:

"Well, gentlemen, I do not know anything about Solari's except what is shown here upon the evidence. So far as I can make out, however, people go to Solari's for all sorts of purposes. Men go there with ladies, ladies with ladies, men with men,

theater parties, family parties, matinée parties—all sorts of parties—and these parties went there together. But under the developments of this case, Solari's assumes a new importance and acquires a new fame. It is no longer a mere restaurant. It is no longer a mere place of refreshment for the body, where you can get meat and wine and whatever is pleasant for the inner man; it now attains celebrity as a new school of learning, patronized, brought into notice, by my client and the fair plaintiff as a place where you can go to drink of the Fountain of Knowledge. [Laughter.] They had a *Guide to Conversation.*

"I think the fair plaintiff said that there were 'digressions' there. They ate and drank—she thinks they ate and drank for two hours at a time, but I compelled her to say that there was an intermediate 'digression.' What there was in the 'digression' does not exactly appear; for one thing, there was this *Guide to Conversation,* but there were limits even to the regions to which this Guide led them, for they both agreed that it did not bring them even to the vestibule of Criminal Conversation, which is a very important point to consider in connection with the history of these meetings at Solari's." [Roars of laughter.]

His witty comment on the broken fortune of the Martinez family when the plaintiff met this rich Cuban was:

"Never did a privateer upon the Spanish Main

give chase to and board a homeward-bound Indiaman with more avidity and vigor than this family proposed to board this rich Cuban and make a capture of him. It was a 'big bonanza' thrown to them in their distress."

A newspaper description of Mr. Choate during the trial pictured him as follows:

"Mr. Choate talks when at 'parade rest' with his hands in his coat tail pockets. When really in action he gesticulates freely with both hands, or with one in his pocket; the other, moving, is tempted to hit the table and yields to the temptation; sometimes a stamp with the foot adds emphasis to his speech, and he uses a lawyer's privilege of getting very near to his learned opponent's fair client, bending over her and looking straight into her face when saying the most disagreeable things about her. As she sat with her back to him and the head of Mr. Beach's clerk was in the way he had to look around the corner into her eyes, but she paid no attention."

His success in an action brought by that distinguished architect Richard M. Hunt to recover from Mrs. Paran Stevens fees earned in the construction of a hotel was also won by the same delightful humor. Her origin was humble and her husband in earlier days was proprietor of the Fifth Avenue Hotel. In after years, having acquired

wealth, she posed as a prominent society leader. Mr. Choate, in a serio-comic vein, alluded to her antecedents and to her husband as having "kept a hotel acceptably in the city for many years."

No more cutting remark was ever made in a court-room than his utterance in summing up as he sketched, in eloquent terms, Mrs. Stevens' rise from humble conditions to social prominence, concluding:

"And at last the arm of royalty was bent to receive her gloved hand, and how, gentlemen of the jury, did she reach this imposing eminence? [An impressive pause.] Upon a mountain of unpaid bills."

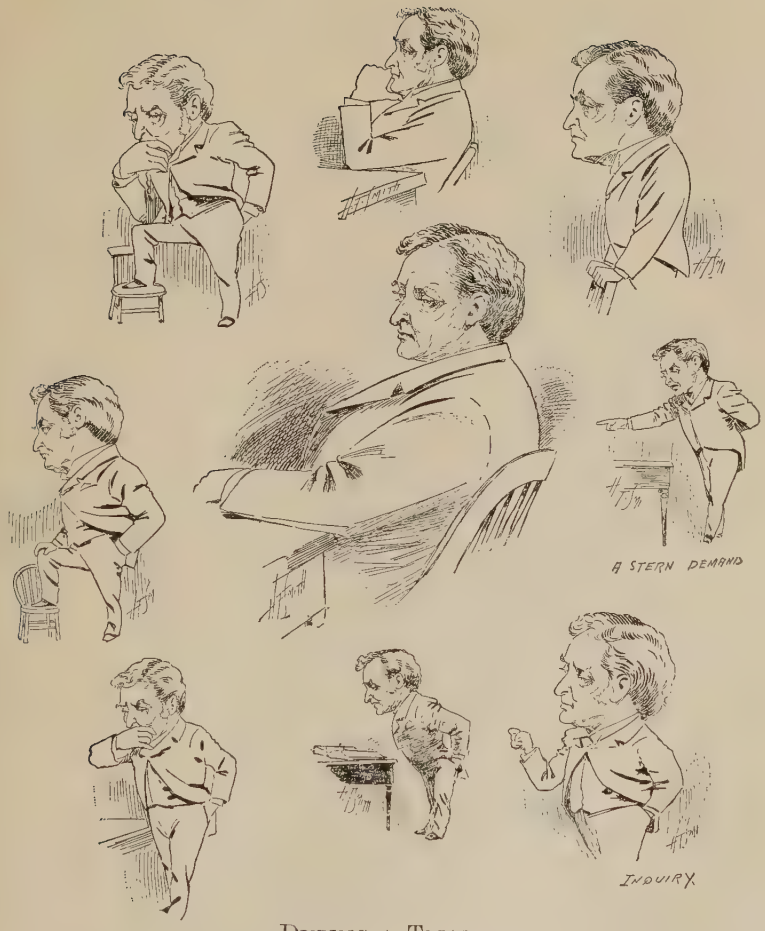
The trial had occupied eight days during which there were numerous displays of his spontaneous wit, bubbling up and gushing forth as water with a pungent tang from a mineral spring. A prominent instance of this was his adaptation of one of our most familiar nursery rhymes to the circumstances in the case, so perfectly pat and mirth provoking that it would have been a dull-witted and unimpressionable jury that could fail to appreciate, from the shouts of laughter with which the court-room resounded, that a verdict from the public had already been found in Mr. Choate's favor, of which the jury was to be the mouthpiece.

In his closing plea, he said:

"For the last week, gentlemen of the jury, we have been engaged here in a bitter contest. It has

tried us all. Coming by my children's nursery door, this morning, I heard them trying to teach the baby the story of 'The House that Jack Built.' I was almost inclined to think that they had been in Court listening to this case for, gentlemen, we are considering 'The House that Jack Built.' My client is the unfortunate 'Jack' and (looking and bowing gracefully to Mrs. Stevens) you, madam, may be called 'the maiden, all forlorn that milked the cow with the crumpled horn'—which we can easily imagine is the Stevens' estate—while the opposing counsel, who knows he has a bad case and is anxious about his fee, is 'the dog that worried the cat'—worrying the only witness who could tell how the cat caught the rat—the dishonest workmen—'that ate the malt' and pocketed the money—that lived in the House that Hunt built.''

Mrs. Stevens poured out the vials of her wrath on Mr. Choate, and started upon what she called a ''crusage'' against him, and secured the publication in one or two society journals of caustic criticisms on his conduct. She was, Mr. Choate told me, very indignant at the time but, he added, ''we became good friends afterwards—so good that she used to invite me to her house.''

In one of his memorable cases, Stewart against Huntington, which involved the doings of that famous combination of brains and capital, Huntington, Hopkins, Crocker and Stanford, and the

During a Trial

possession of $1,200,000, the noted Francis N. Bangs and Senator Roscoe Conkling, then in his intellectual prime, were on the other side and made a formidable pair of defenders. Mr. Choate referred to Huntington as a great railway magnate and financier. In his opening address to the jury, he told them they were to determine which of two men was the rightful owner of $6,000,000. "There is no opportunity," he said, "of an appeal to your sympathies. It is not the case of rich against poor, capital against labor, power against weakness." He described his client as a prudent, substantial business man, and the defendant, Huntington, as a "man who owns money, houses, many railroads, many banks, many newspapers, many judges, many legislatures."

"I doubt, gentlemen, whether any man ever had to contend alone against so powerful a combination. In the first place, there is the defendant himself, one of the three great railway monarchs of the world, all powerful throughout the length and breadth of the land, who has called here to aid him, as was his right, the greatest powers of the Bar, the most astute, the most crafty—in the best sense of the word—the most skillful of our profession and," with a graceful wave of the hand towards Mr. Conkling, "the very Demosthenes of our time, and yet I do not feel entirely alone or entirely unarmed. I have the evidence in this case with me, and if I can put that little weapon in my sling, and aim straight at his forehead, the recent Goliath of the

continent is bound to 'bite the dust,'" and he secured a verdict.

It was in this case that he uttered his famous retort to Senator Conkling. Those familiar with the features of Senator Conkling, either from personal acquaintance or from portraits, will appreciate the telling wit of Mr. Choate's retort, called forth by one of Mr. Conkling's speeches, in the course of which he quoted a published description of Mr. Choate's appearance. It provoked a hearty laugh at Mr. Choate's expense, in which, however, he joined as heartily as the others but, when Mr. Choate had an opportunity to reply, he completely turned the tables on the ex-Senator: "My learned friend has been a little personal. He has seen fit to quote for your entertainment and that of the learned Court and this audience a description of my face and features that he gathered from a newspaper. I do not like to lie under this imputation and I will return it. But, gentlemen, not from any newspaper, oh no! I will paint his picture as it has been painted by an immortal pen. I will give you a description of him as the divine Shakespeare painted it, for he must have had my learned friend in his eye when he said:

> "'See what a grace is seated on his brow;
> Hyperion's curls, the front of Jove himself;
> An eye like Mars to threaten and command—
> A combination and a form, indeed,
> Where every God did seek to set his seal,
> To give the world assurance of a man.'"

This apposite description of the physical features of Mr. Conkling brought forth shouts of laughter, to Senator Conkling's evident embarrassment.

A case which aroused considerable public interest, especially of the publishers and newspaper editors, was that of Rev. Dr. Isaac K. Funk, against E. L. Godkin, editor of the *Evening Post.* Dr. Funk was a leading Methodist, and for years had taken a lively interest in what he called "the cause of temperance," as an adherent of the Prohibition Party. His purpose seemed to be to force total abstinence on his party, and prohibition on his neighbors. Later in life he became a spiritualist, and manifested a lively interest in their proceedings. He severed his connection actively with the ministry of the Methodist Church, and entered upon a business career which, in its early stages, was not successful; but, by persistent and well-directed energy, he finally organized the firm of Funk & Wagnalls, publishers of books, which, in subsequent years, achieved great success, chiefly in publications of a scientific and psychological character, but having little to do with fiction and works of an ephemeral nature.

For years earnest efforts had been made by publishers and authors for an international copyright, and the *Evening Post,* under the editorship of Mr. Godkin, had taken a decided position in its favor, and devoted its energies to abolish what was known

as literary piracy among American publishers. In this struggle for international copyright Dr. Funk, strangely enough, opposed it, and Mr. Godkin directed his editorial shafts against Dr. Funk as a Doctor of Divinity using piratical methods in his publications. He gave a great deal of space to what he called "the pirates" who were appropriating the unprotected works of authors, and publishing them for their personal benefit. Mr. Godkin's editorials were so pungent and personal that Dr. Funk felt impelled to commence an action against him for libel, setting forth the editorials complained of, and claiming heavy damages for injuries to himself and to his firm.

Mr. Choate was retained to represent Mr. Godkin. His adversary, in behalf of Dr. Funk, was Colonel James, at the time one of the most prominent trial lawyers at the Bar. Mr. Choate had given little study to the copyright question and was obliged to rely upon being "coached," to supply him with the necessary knowledge on the subject. Mr. George Haven Putnam relates in his interesting *Memories of a Publisher* the part he took in putting Mr. Choate *au courant* with piratical publications, and international copyright. Mr. Choate had little expectation of securing an out-and-out verdict for the defendant, but aimed principally at what the lawyers called a mitigation of damages which, in common parlance, means a verdict for as small an amount as possible. His tactful and deferential method, characterized by rather unusual gentleness,

brought out from Dr. Funk the fact that, after abandoning the ministry for a business career, he had frequently officiated in the pulpit at special services, and ecclesiastical functions. He gave, with a good deal of satisfaction, the evidences of appreciation manifested by his fellowmen in making him the nominee of the Prohibition Party for Congress and for Governor. "Not yet for President?" asked Mr. Choate. "No," replied Dr. Funk. "Ah, not yet," replied Mr. Choate, "but that will probably come a little later." Thus, in developing Dr. Funk's career, Mr. Choate made it apparent by a somewhat deferential, and scarcely noticeable, flattery, that public honors, and manifestations of personal regard, had frequently come to Dr. Funk during the very time when Mr. Godkin was directing to him his barbed shafts.

Among the successful publications of Dr. Funk—one of the very first, it was claimed—was an unauthorized publication of Dean Farrar's *Life of Christ.* E. P. Dutton & Co., publishers, had paid Dean Farrar a substantial sum for the right to publish the book, and Mr. Godkin asserted that it was literary piracy on the part of Dr. Funk to infringe upon their rights.

Mr. Choate made use of this, after having drawn from Dr. Funk the story of several of his most successful publications, by asking him in the gentlest and most deferential manner possible:

"Now, Dr. Funk, is it true that one of your most important successes, in entering upon your

business career, was by selling *The Life of Our Saviour?* This was a poser for Dr. Funk, but there was no alternative but to answer it in the affirmative. Mr. Choate, however, followed it up with an exceedingly embarrassing and well-directed question, calculated to bring confusion to the reverend gentleman, by asking him: "Now, sir, will you please explain to the Court, and to the jury, in what manner your character and reputation among your friends and associates and with the public, have been injured by the so-called brutal attacks of my client?" This the witness could not explain, because from his testimony it was apparent that his greatest successes, from a political and business standpoint, as well as evidence of appreciation by his fellow Methodists, had been manifested while Mr. Godkin was referring to him in the *Evening Post* as a "Methodist pirate."

In summing up the case, Mr. Choate referred to Dr. Funk as follows:

"The plaintiff, gentlemen, is a Doctor of Divinity, and we have it from his own evidence that he is a much honored Doctor of Divinity. I am not myself a Doctor of Divinity, and, at the late time of life that I have reached, and in connection with what my friends are pleased to describe as my general frivolity of conduct, I may never hope to achieve that distinction. I cannot tell, therefore, just how a Doctor of Divinity feels, but to me, an outsider and a layman, there is something incongruous in

the idea of a Doctor of Divinity going into business for gain, and beginning his operations by stealing *The Life of Our Saviour.*"

Notwithstanding the fact of the publication of the editorials, and their severe and bitter reflections on Dr. Funk as a literary pirate, Mr. Choate's adroitness and humor, and his skill, by deference and gentle flattery, in extorting, through an appeal to Dr. Funk's vanity, admissions of how little his public career had been affected by the publications complained of, he succeeded in bringing the jury not only to the conclusion that Dr. Funk had suffered no pecuniary damage, but that the circumstances justified the editorials, and there was a verdict for the defendant.

A case which aroused great public interest, especially on the Pacific coast, was that of the United States against the estate of Leland Stanford, who represented California in the United States Senate, to recover over $15,000,000. The suit was brought upon a statute of the State of California which, it was claimed, bound stockholders of corporations, personally, for the debts of the corporation in proportion to the amount of stock held by them, to establish Senator Stanford's liability as a stockholder in the Central Pacific Railroad Company for an indebtedness to the United States Government. The liability was claimed to have arisen by reason of a loan of United States bonds by the Government to aid in the construction of

railroads forming a part of the Central Pacific Road.

The result of the litigation was not only a matter of great concern to Mrs. Stanford, whose fortune, if the decision were adverse, would not only have been swept away, but the Leland Stanford University, founded by Senator Stanford as a memorial to his son who died just as he was entering manhood, would have been unable to continue its work.

The points involved in the case and the arguments respecting them are not of sufficient interest at the present time to justify a statement of them in detail; but the serious consequences and the magnitude of the amount involved created unusual interest.

The case was originally brought in the Circuit Court of the United States, and was there decided adversely to the Government. It was again heard on appeal to the Circuit of Appeals, and finally by the Supreme Court of the United States. It was there that Mr. Choate argued in behalf of the Stanford estate. The argument was a question of pure law, involving the true construction and interpretation of Acts of Congress authorizing the loan of bonds, and of the statute of California creating the liability.

The intellectually curious in matters of law will find in the official report of the case contained in the United States Reports, vol. 161, p. 412, the opinion of the United States Supreme Court in favor of the Stanford estate. The newspapers of the day were filled with extended accounts of the arguments, and

presented Mr. Choate as a lawyer of the first order in a most important domain of legal discussion.

Another case which largely increased his reputation as probably the greatest jury lawyer of his time was that of Gaston Feuardent against General Cesnola, tried in the United States District Court in New York. In the very earliest days of the Metropolitan Museum of Art, General Cesnola sold to the Museum a large collection of Cypriote antiquities gathered by him in the island of Cyprus. It was regarded as an important acquisition by the Museum, and General Cesnola from that time until his death was in the service of the Museum as its Superintendent. Soon after the sale art critics raised the question of the authenticity of his collection, and it was subjected by them to minute and critical examination, with the result that opinion was divided and controversy aroused, culminating in such serious charges against General Cesnola that he felt obliged to resort to the Courts for his own vindication and that of his collection. Among these critics were Mr. Feuardent and Clarence Cook. General Cesnola selected Mr. Feuardent as the subject of his attack on a charge of libel. The trial was long and bitterly contested. Mr. Choate was counsel for General Cesnola, and was opposed by Mr. Francis N. Bangs, then one of the most distinguished leaders of the Bar. Mr. Choate let loose all the weapons in his arsenal, and the contest was characterized from start to finish by displays of not

always the best temper. Mr. Bangs was a formidable opponent but he lacked that appearance of easy good-nature which was characteristic of his antagonist, and allowed himself to manifest his worry and harassment which it is the art of lawyers to conceal. In so doing, he was placed at a decided disadvantage in conducting the difficult side of a difficult case, in a trial which occupied several weeks, enabling Mr. Choate to keep on good terms with the jury and secure a favorable verdict. This was, of course, a part of the game which Mr. Choate played so well. It was thought at the time that Mr. Choate unnecessarily goaded his adversary into displays of temper, even so far as to call forth appeals to the Court for protection from Mr. Choate's tactics. The critics, as well, were not spared, and they departed from the witness stand not only sadder but wiser men, sometimes with a savage thrust, such as was directed to Clarence Cook when Mr. Choate, after developing certain points tending to discredit Mr. Cook's testimony, turned upon him and shaking a quivering forefinger at him quoted with dramatic emphasis: "False, fleeting, perjured Clarence."

In 1889 the entire country was aroused by an attempt of a former justice of the Supreme Court of California—David S. Terry—to shoot Stephen J. Field, then a justice of the Supreme Court of the United States, at one time an associate on the Bench with Judge Terry. This attempt grew out of a litigation in which a notorious woman—Sarah

Althea Hill—sought to obtain possession of a considerable part of the large estate of Senator Sharon. Judge Terry was her legal adviser, and subsequently married her. Thereafter he espoused her cause with added zeal. The case was brought in the United States Circuit Court in California, and was tried before Mr. Justice Field. When the day arrived to announce his opinion Terry and his wife were in the Court, both of them armed. Perceiving that the drift of the opinion was unfavorable to her, Mrs. Terry became violent and, in the effort of the Court officers to remove her, Judge Terry, in defending her, drew a knife and, unless restrained, would have attacked the officers. For this flagrant offense he was committed to jail by order of Mr. Justice Field. On his release his threats against the Justice were so public, and Terry's character as a desperate ruffian was so well known, that Deputy Marshal Neagle was assigned to accompany Mr. Justice Field, and remain with him constantly, and offer him all needful protection. As Mr. Justice Field, with Neagle, were on a train for San Francisco, Neagle was informed that Terry and his wife had boarded the train at Fresno. He immediately telegraphed to the State Constable at Lathrop, where the train was to stop for breakfast, to be prepared to give assistance. Neagle endeavored to persuade Mr. Justice Field not to go to the restaurant, but to take his breakfast on the train. Mr. Justice Field refused to do this, and went to the resaurant. Terry observing him, assaulted him,

and Neagle, believing the life of Mr. Justice Field to be in danger, and after warning Terry to stop, drew his pistol and shot him. Neagle was arrested, but soon afterward was brought before the Circuit Court of the United States on a writ of *habeas corpus* to determine whether Neagle was acting under lawful authority in defending Mr. Justice Field, and its decision was in the affirmative. Subsequently it was brought before the Supreme Court of the United States for review. Here Mr. Choate appeared to defend Neagle. The question involved was one of pure law calling for a discussion of abstract legal principles. Mr. Choate was then wearing his laurels as a jury lawyer, having obtained, as yet, slight recognition as a master in jurisprudence. This case afforded him an opportunity to display his power in a higher sphere, as a lawyer of well-trained and well-stored intellect. I recall that soon after he argued the case he sent me a copy of his brief, and subsequently remarked that every word of it was written with his own hand, every case referred to in it was the subject of his personal investigation, and that the brief was prepared without any assistance whatever. I received the impression that he desired to show by it what he was able to do, with respect to the quality of his work before our highest Appellate Court, and to win a recognized position outside the domain of a jury lawyer. Of course, the Supreme Court could not well have been unsympathetic, as the case involved one of their own members, and touched all

of them in respect of their protection in the performance of their duties. Nevertheless, Mr. Choate's work was admirably done, and the legal propositions advanced by him were fully sustained. The opinion of the United States Supreme Court will be found in 135 United States Reports at p. 1.

The case of Laidlaw against Sage is one of the most celebrated in the annals of New York jury trials. It is also a leading case in the Appellate Courts because of their discussion of important questions of law involved. It was tried four times to a jury.

Everybody knew Russell Sage. His picturesque career, commencing as a grocer in Troy, New York, then developing into a legislator as Member of Congress, followed by intimate relations with Jay Gould, co-operating with him in the manipulation of railroad properties; his Wall Street career in dealing in "puts" and "calls"; his acquisition of vast wealth; his power as a financial magnate; his altogether unique personality, his eccentricity and oddity, made him one of the best-known characters of the day, and the object of universal curiosity. Wall Street was full of him—of his love of money, the hoarding of his wealth, which put him out of touch with charitable objects deserving generous support, and the absence of sympathy for his fellowmen. His shrewdness, his knowledge of human nature and his extensive experience in the forefront of the battle of life made him remarkably

interesting when he chose to draw upon these in ordinary business intercourse, and he had a vein of grim humor that was exceedingly amusing. This would crop out in the course of business meetings and tended to relieve rather difficult situations. His sensitive spot was his purse-strings, but when these were not touched he was quite gracious in a rugged, homely way.

Laidlaw's case against him grew out of a remarkable experience resulting from his well-known wealth and the nature of his business. There appeared at his office one day while he was in conversation with Laidlaw on a matter of business, a man named Norcross, carrying a satchel. He demanded a large sum of money. He told Mr. Sage that a bomb was in his satchel and that unless the money was forthcoming he would drop the satchel and explode the bomb. Mr. Sage endeavored to put him off by some well-conceived excuse, hoping to gain delay and an opportunity to evade danger. In so doing, Mr. Laidlaw claimed that Mr. Sage drew him in front of him, and thus wrongfully interposed his body as a shield, taking him from a place of safety and exposing him to danger. As Norcross would not be denied, and Mr. Sage's expedients were unsuccessful, the satchel was dropped, the bomb exploded, Norcross was killed and Laidlaw severely injured. Mr. Sage escaped with slight scratches. Laidlaw received on two trials heavy verdicts—$40,000 and $25,000—but these were set aside, and his case ultimately failed.

On two of these trials Mr. Choate was counsel for Laidlaw, and his cross-examinations of Mr. Sage were very amusing as well as brilliant intellectual feats, contributing largely to the verdicts awarded. But Mr. Choate, evidently, did not take into careful consideration, at the last trial, what were the limits of a legitimate cross-examination, and the Court of Appeals decided that he had transcended them, and set aside the verdicts. Nevertheless this contest of wits between the shrewd old financier and the witty and acute lawyer affords a striking illustration of Mr. Choate's power in dealing with a very difficult witness. While the cross-examinations as a whole are well worth perusal, the following extracts will be sufficient to disclose their general character.

When the direct examination of Mr. Sage was concluded Mr. Choate rose from his chair, sat on a table back of the counsel table, swung his legs idly, regarded the witness smilingly and then asked in an unusually low voice:

"Where do you reside, Mr. Sage?"

"At 506 Fifth Avenue," answered the witness.

"And what is your age now? Still in a very low tone.

"Seventy-seven years," Mr. Sage said promptly.

Then Mr. Choate demanded, with a sudden raising of his voice, "Do you ordinarily hear as well as you have heard the two questions you have answered?"

The witness looked a bit surprised and answered in an almost inaudible voice, "Why, yes."

Q.—Did you lose your voice by the explosion? A.—No.

Q.—You spoke louder when you were in Congress, did you not? A.—I may have.

Mr. Choate, resuming a conversational tone, began an unexpected line of questions by asking in a small-talk voice: "What jewelry do you ordinarily wear, Mr. Sage?" The witness answered that he was not in the habit of wearing jewelry.

Q.—But you wear a watch? A.—Yes.

Q.—And ordinarily carry it as you carry the one you have at present in your left vest pocket? A.—Yes—yes, I suppose so.

Q.—Was your watch hurt by the explosion? A.—I believe not.

Q.—It was not even stopped by the explosion which perforated your vest with missiles, was it? A.—I don't know; I don't remember about that.

The witness did not quite enjoy this line of questioning, and swung his eyeglasses as if he were a little nervous. Mr. Choate, after regarding him in silence for some time, said: "I see you wear glasses." The witness closed his glasses, and put them in his waistcoat pocket, whereupon Mr. Choate resumed: "And when you don't wear them you carry them, I see, in your vest pocket. Were your glasses hurt by that explosion which inflicted forty-seven wounds on your chest?"

"I don't remember," the witness replied.

"You certainly would remember if you had to buy a new pair?"

If the witness answered this question, his answer was lost in the laughter which the Court officer could not instantly check.

Mr. Choate next said, "These clothes we have seen here, are you sure they are the same you wore that day?"

"Yes."

Q.—How do you know? A.—The same as you would know any matter of that kind.

Q.—Were you familiar with these clothes? A.—Yes, sir.

Q.—How long had you worn them? A.—Oh, some months.

Q.—Had you not had them three or four years? A.—No.

Q.—You wore them daily except on Sundays? A.—I think not; they were too heavy for Summer wear.

Q.—Don't you remember looking out of the window that morning when you got up to see if it was cloudy so you would know whether to wear an old suit or not? A.—I don't remember.

Q.—Well, let that go. Now, how is your general health? A.—Good.

Q.—Good as a man of seventy-seven could expect? A.—Well, good, except for my hearing.

Q.—"And that is impaired to the extent demonstrated here on this cross-examination?" asked Mr. Choate.

The witness did not answer this question, and, after some more kindly inquiries regarding his health, Mr. Choate began an even more intimate inquiry concerning the business career of Mr. Sage. He learned that the millionaire was born in Verona, Oneida County, went to Troy when he was eleven years old and was in business there until 1863, when he came to this city.

Q.—What was your business in Troy? A.—Merchant.

Q.—What kind of merchant? A.—Grocer, and was afterward engaged in banking and railroad building there.

Mr. Sage as a railroad builder excited Mr. Choate's liveliest interest. He wanted to know all about that; the name of every road he had aided or helped to build, and when he had done this, with whom he had been associated in doing it. He frequently interrupted his torrent of questions by explaining that he did not wish to ask the witness any impertinent questions, but merely wanted to test his memory. The financier would sometimes say that to answer some questions he would have to refer to his books, and when the lawyer would pretend great surprise that the witness could not remember even the names of roads he had built, the witness said, "Possibly we might differ as to what is aiding a road. Some I have aided as a director, and some only as a stockholder."

"No, we won't differ; we will divide the question," Mr. Choate said. "First name the roads you

have aided in building as a director, and then the roads you have aided in building as a stockholder." The witness either would not or could not, and after worrying him with a hundred questions on this line Mr. Choate finally exclaimed, "Well, we will let that go."

Next the cross-examiner brought the witness to a consideration of his railroad building experience after he left Troy and came to New York. He managed, under the license of testing the memory of the witness, to show the jury the intimate financial relations which had existed for twenty years between Mr. Sage and Mr. Gould, and finally asked the witness how many roads he had assisted in building in connection with Mr. Gould as director or stockholder. After some very lively sparring witness thought that he had been connected, in one way or another, with about thirty railroads. "Name them," exclaimed Mr. Choate. The witness named three and stopped.

"There's twenty-seven more," said Mr. Choate, looking at his list. "Please hurry. You do business much faster than this in your office. Go on."

Mr. Sage said something about a number of auxiliary roads that had been consolidated, and roads that had merged, and unimportant roads whose directors met very seldom, and again said something about referring to his books.

"Your books have nothing to do with what I am trying to determine, which is a question of your memory," Mr. Choate said.

But the witness continued to spar, and at last Mr. Choate exclaimed:

"Now, is it not true that you have millions and millions of dollars in roads that you have not named here?"

All of the counsel for the defense were on their feet objecting to this question, and Mr. Choate withdrew the question and added:

"Now, you can't remember, and won't you please say so?" The witness would not say so, and Mr. Choate exclaimed: "Well, I give it up. You say you were a banker. What kind of a bank do you run? Is it a bank of deposit?" The witness said it was not, and neither was it a bank circulating notes. "Sometimes I have money to loan," he said.

"Oh, you are a money lender. You buy puts and calls and straddles?" The witness said that he dealt in those privileges.

"Kindly explain to the jury just what puts and calls and straddles are," the lawyer said encouragingly. The witnesss answered:

"They are means to assist men of moderate capital to operate."

"A sort of benevolent institution, eh?" queried Mr. Choate.

"It is in a sense," Mr. Sage replied. "It gives men of moderate means an opportunity to learn the methods of business."

"Do you refer to puts or calls?"

"To both."

"I don't understand."

"I thought you would not," remarked the witness with a chuckle.

Mr. Choate affected a very puzzled look and asked, slowly: "It is something like this: they call it, and you put it? If it goes down, they get the charitable benefit; but if it goes up, you get it?"

The witness answered simply: "I only get what I am paid for the privilege."

"Now, what is a straddle?" Mr. Choate next asked.

"A straddle," replied Mr. Sage, "is the privilege of calling or putting."

"Why," exclaimed Mr. Choate, with raised brows, "that seems to me like a game of chance!"

"It's a game of the fluctuation of the market."

"That's another way of putting it," Mr. Choate commented, looking as if he did not intend a pun. Then he asked: "The market once went very heavily against you in this game, did it not?"

"Yes, it did," the witness said.

"That was an occasion when your customers could put, but they could not call, eh?"

Mr. Sage looked as if he did not understand, and made no reply.

This branch of the question was left in that vague condition, and the cross-examiner opened a new subject by unfolding a three-column clipping from a newspaper which was headed "A Chat with Russell Sage."

Q.—The reporters called on you soon after the explosion? A.—Yes.

Q.—One visited your house? A.—Yes.

Q.—Did you read over what he wrote? A.—No.

Q.—Did you read this after it was printed? A.—I believe I did.

Q.—Is it correct? A.—Reporters sometimes draw on their imagination.

It developed that the article which Mr. Choate referred to was written by a grandnephew of the witness. When it had thus been identified Mr. Choate again asked the witness if the article was correct.

Colonel James exclaimed: "Are you asking him to swear to the correctness of an article from that paper? Nobody can do that."

"No," Mr. Choate quickly responded: "I am asking him to point out its errors. Anyone can do that."

"This," said Colonel James, gravely, "is making a *comedy* of errors."

The witness broke in upon this little byplay with the remark:

"The reporter who wrote that was only in my house five minutes."

"Indeed," exclaimed Mr. Choate in astonishment, waving the three-column clipping, "he got a great deal out of you, and that is more than I have been able to do."

"That article," said Mr. Sage, "is a gross exaggeration. I was injured very seriously, but I made no fuss about it. Most of these racy newspaper articles are exaggerated anyway. A reporter

jots down a few notes and then hurries away and writes a page. Nowadays we have to be very careful what we say."

"Take care," said Mr. Choate, "the reporters here are taking down all you say now."

"I know it," snapped Mr. Sage. "I'm saying it for their especial benefit."

"Now, Mr. Sage," said Mr. Choate, "were you cool and collected in the presence of Norcross?"

"As cool as I could be."

"Did you do anything without deliberation, spontaneously, or unconsciously from the time you read Norcross's note until the explosion?"

"I exercised my best judgment to avoid any accident."

"Was everything done with deliberation?"

"It was. But why do you ask that same old question?" said Mr. Sage irritably. "You've already asked it four times."

"But this is the fourth trial, Mr. Sage," said Mr. Choate, "and we can't keep these things fresh and original all the time. Now, were not your hands badly burned by the explosion?"

"They were."

"Well, show the scars to the jury."

"There are no scars on my hands, but there were at the last trial; anyway, I showed the jury my hands yesterday."

"And you are sure that none have grown there since the last trial?"

Mr. Sage didn't deign to answer.

An extract from the article was read as follows: "Mr. Sage looks hale and hearty for an old man; looks good for many years of life yet."

"Is that true?" asked Mr. Choate.

The witness replied: "We all try to hold on as long as we can."

"You speak for yourself when you say, 'We all try to hold on to all that we can,'" Mr. Choate commented, but Colonel James remarked gravely, "Counsel has misquoted the witness. He said 'We try to hold on as long.'"

Mr. Sage was next asked if the article was correct when it referred to him as looking like a warrior after the battle. He thought the statement was overdrawn. The article referred to Mr. Sage having shaved himself that morning, which was three days after the explosion; and when he had read that, Mr. Choate asked: "Did you have any wounds at that time that a visitor could see?" The witness replied that both of his hands were then bandaged.

"How did you shave yourself then, with your feet?"

At this point an adjournment was taken until the following morning when the old financier again took the witness stand. Mr. Choate resumed the cross-examination by asking pleasantly: "I hope you are very well this morning?"

"I am," replied Mr. Sage.

"Can you tell me how the drapery back of Judge Patterson is caught back?" the lawyer next asked.

"I cannot," answered the witness.

"Yet," Mr. Choate said, "it is at the same angle back of you that Norton was when you retreated from Norcross?"

The answer of the witness could not be heard by anyone, and the jury asked that he speak louder. Judge Patterson said to Mr. Sage: "You have been admonished several times to speak louder."

"I have a slight cold," the witness said.

Mr. Choate's advice was: "Just imagine yourself in the Stock Exchange making a bargain."

Mr. Choate produced a diagram and asked the witness to point out the spot where the clerk Norton stood while the witness was retreating from the dynamiter. When Mr. Sage had indicated a spot, Mr. Choate said, "Be careful; better put on your glasses; you are getting yourself into trouble." The witness insisted, "Norton stood there."

"And you saw him?"

"Yes."

Mr. Choate dodged behind the witness, who was standing up at the time, and exclaimed, "Can you see me?" Mr. Sage ignored the question and sat down again. The lawyer next asked this question:

"Did you or did you not think you had a most desperate man to deal with?"

The witness answered several times that he had not said so to the reporter, but the lawyer wanted to know whether he had thought so, because he (Mr. Choate) had a notion that the reporter was a clairvoyant. The witness evaded giving a direct answer

until sharply ordered to do so by the judge. Then he said, "Yes."

"Was it a relief to you to see Laidlaw enter the office when you were talking with Norcross?"

The witness replied: "No, and if Laidlaw had stayed out in the lobby instead of going into my office he would have been by Norcross when the explosion took place."

"Then you think Laidlaw is indebted to you for saving his life instead of your being indebted to him for saving yours?" Mr. Choate asked.

"Yes, sir," said the witness decidedly.

"Ah, that makes it a very simple case then," the lawyer commented.

The witness volunteered a piece of evidence. He said that he was not thrown down by the explosion, but sat down where the desk had been.

"But," said Mr. Choate, "your clerk says that there was no desk there after the explosion."

The witness said that his clerk had gone into the office after the police had thrown the débris into Rector Street.

"Did you," Mr. Choate asked, bring your clerk here to testify as to the condition of the office after the police had cleared it out?

"I did not bring him here; my counsel did."

"I see; you don't do any barking when you have a dog to do it for you," Mr. Choate said.

Lawyers Dillon and James looked up, and Colonel James asked gravely, "Which of us is referred to as the dog?" Mr. Choate replied: "Oh, all of us."

Mr. Choate's next question referred to the diagram which had been in use up to that point. He asked the witness if it was correct. Mr. Sage replied: "I think it is not quite correct; not quite; if the jury will go down there, I'd be glad to have them go; be glad to do anything. If the jury will go down there I'd be glad to furnish them transportation, if they will go."

Mr. Choate:—If you won't furnish anything but transportation they won't go.

The Witness:—It is substantially correct. I had a diagram made, and I offered an opportunity to Mr. Laidlaw's counsel to have a correct one made, for I never withheld anything from anybody.

The diagram which Mr. Sage had prepared was produced, and, upon examination, it was seen not to contain the lines indicating a certain rail, and had some inaccuracies which did not seem to amount to much, but Mr. Choate appeared to be very much impressed with these differences.

"I want you," he said to the witness, "to reconcile your testimony with your own diagram." The witness looked at the diagram for some time, and Mr. Choate, observing him, remarked: "You will have to make a straddle to reconcile that, won't you?"

Some marks and signs of erasures were seen on the Sage diagram, which gave Mr. Choate an opportunity to ask in a sensational tone if anyone could inform him who had been tampering with it.

No one could and the diagram was dropped, and

the subject of the tattered suit of clothes taken up again. Mr. Choate asked:

Q.—What tailor did you employ at the time of the explosion? A.—Several.

Q.—Name them, I want to follow up those clothes. A.—Tailor Jessup made the coat and vest.

Q.—Where is his place? A.—On Broadway.

Q.—Is he there now? A.—Oh no, he's gone to heaven.

Q.—To heaven, where all good tailors go. Who made the trousers? A.—I can't tell where I might have bought them.

Q.—Bought them. You don't buy ready-made trousers, do you? A.—I do sometimes. I get better fit.

Q.—Get benefit? A.—No, better fit.

Q.—Where is the receipt for them? A.—I have none.

Q.—Do you pay money without receipts? A.—I do sometimes.

Q.—Indeed? A.—Yes; you don't take a receipt for your hat.

Mr. Choate became the witness now, and answered that he did, and the witness asked the lawyer: "Do you take a receipt for a pair of boots?" and Mr. Choate answered, "Always."

The vest was then produced, and two holes in the outer cloth were shown by Mr. Choate, who asked the witness if those were the places where the flying substances entered which penetrated his body. The witness replied that they were, and Mr. Choate next

asked him if he had the vest relined. Mr. Sage replied that he had not. "How is it, then," Mr. Choate asked, passing the vest to the jury with great satisfaction, "that these holes do not penetrate the lining?" The witness said that he could not explain that, but insisted that that was the vest, and it would have to speak for itself. Mr. Choate again took the vest and counted six holes on the cloth of the other side, and asked the witness if that count was right. Mr. Sage replied, "I'll take your count," and then he caused a laugh by suddenly reaching out for the vest and saying, "if you have no objection, though, I'd like to see it."

Q.—Now, are not three of those holes moth-eaten? A.—I think not.

Q.—Are you a judge of moth-eaten goods? A.—No.

Q.—Where is the shirt you wore? A.—Destroyed.

Q.—By whom? A.—The cook.

Q.—The cook? A.—I mean the laundress.

The vest was passed to the jury for their inspection, and the jurymen got into an eager whispered discussion as to whether certain of the holes were moth-eaten or not. There was a tailor on the jury. Observing the discussion, Mr. Choate took back the garment and said in his most winning way: "Now, we don't want the jury to disagree, you know." He next held up the coat, which is very much more injured in the tails than in the front, and asked the witness how he accounted for that.

"It is one of the freaks of electricity," answered

the witness, who frequently spoke of electricity in connection with the explosion. Mr. Choate's comment was, "And the freaks of electricity and dynamite are one of those things no fellow can find out."

The witness could not recall how much he had paid for the coat or for any of the garments, and, after an unsuccessful attempt to identify the maker of the trousers by the name on the button, which proved to be the name of the button maker, the old clothes were temporarily laid at rest, and Mr. Choate asked the witness how long he had been unconscious. He replied that he thought he was unconscious two seconds.

Q.—How do you know you were not unconscious ten minutes? A.—Only from what Mr. Weston says.

Q.—Where is he? A.—On the street.

Q.—On Chambers Street, downstairs? A.—No, on Wall Street.

Q.—Oh, I forgot that *the* street to you means Wall Street. Were you not up and dressed every day after the explosion? A.—I can't remember.

Q.—You did business every day? A.—Colonel Slocum and my nephew called on me about business, and my counsel looked after some missing papers and bonds.

Q.—You then held some Missouri Pacific collateral trust bonds? A.—Yes.

Q.—How many? A.—Can't say.

Q.—Can't you tell within a limit of from ten to one thousand? A.—No.

Q.—Nor within one hundred to two hundred? A.—No.

Q.—Is it because you have too little memory or too many bonds? How many loans did you have out at that time? A.—I can't tell.

Q.—Can you tell within $200,000 the amount then due from your largest creditor? A.—I—any man doing the business I am——

Q.—Oh, there is no other man like you in the world. Now you can't tell within $200,000 the amount of the largest loan you then had out, but you set up your memory against Laidlaw's? A.—I do.

Q.—Were you not very excited? A.—I was thankful I was so self-poised. I did not believe his dynamite would do much damage or that he would sacrifice himself.

Q.—Never heard of a man killing himself? A.—Not in that way. Inspector Byrnes tells me that in the history of jurisprudence there is no such case as this.

While the witness was giving this last answer, Mr. Choate was reading a paper. He looked up at the word "jurisprudence," and asked the stenographer to have the answer read to him. When this was done, Mr. Choate said: "I move to strike out Superintendent Byrnes's opinion. He is a high authority, but in this case I prefer the opinion of the witness."

Mr. Choate's use of the Bible in his summing up to the jury made it of the highest service merely as

a law book. He drew from it a scripture argument which had a tremendous effect on the jury. That the Bible is still a living book Mr. Choate showed by his sermon on Dives and Lazarus which will live in the records of jury trials as one of the most original of its kind. It was a dramatic moment when this great lawyer instead of opening a law book in addressing the jury, procured the Court Bible and read from Luke's Gospel the story of the rich man and the beggar. He made a personal application of it by turning to Sage and exclaiming: "There comes the rich man, and here is the poor man still bearing sores he suffered in protecting him." The result was a verdict against Sage for $40,000, $15,000 more than on the first trial.

About this time a story went the rounds of a reporter calling upon him for some fresh information about himself. He had not only handled Mr. Sage without gloves, but in a recent trial had considerably ruffled the feathers of Mrs. Hetty Green. "Well," he replied to the reporter's request, "if you want something in addition to what has appeared in print I suggest that you interview Mr. Russell Sage and Mrs. Hetty Green."

When his nomination as Ambassador to the Court of St. James was sent to the Senate, and Mr. Sage heard the news, he asked if it was really true that Choate was going to the English Court. On being assured that it was undoubtedly true Sage looked

heavenward and exclaimed, fervently, "Well, God save the Queen."

The greatest case in which he ever engaged, and the greatest victory he ever won, was in the Supreme Court of the United States in the cases brought to test the constitutionality of the Income Tax law. The Act was attacked as unconstitutional because the Constitution provided that direct taxes should be apportioned among the States, according to representation, while this Act levied taxes upon income, from whatever source derived, indiscriminately, upon all alike, without such apportionment; that a tax upon income derived from rents of land was a tax upon the land from which the rent was derived, and was, therefore, a direct tax within the meaning of the Constitution; that the same was true of the income of personal property and that income derived from stocks and bonds of the United States and States, counties, and municipalities were exempt from federal taxation.

To impugn the constitutionality of the Income Tax seemed hopeless. Such a tax had been levied and collected during the Civil War. The Supreme Court had then decided it to be constitutional. Yet in the face of the doctrine of *stare decisis,* Mr. Choate took his audacity in both hands, as the French say, and presented an argument of such cogency that the Court was led to do the almost unprecedented thing of reversing a judgment of its own. "Some things can be done as well as some other things," was the comment of Mr. Choate upon

receiving the congratulations of the Bar on his unparalleled and unlooked-for success.

The case was of national importance, and aroused keen interest throughout our country. The Attorney-General (Richard Olney) and James C. Carter represented the United States, and Mr. Choate was leading counsel in opposition to the Income Tax. The argument attracted throngs of spectators, among them many of the most distinguished men in our national life. It was a rare occasion occupying several days, and the argument was followed throughout with the deepest interest by those fortunate enough to gain admission.

Mr. Choate's junior counsel made the opening arguments, and were followed by Mr. Olney and Mr. Carter. Mr. Choate's argument was made in reply to them. He adopted his characteristic vein of humor, and began as follows:

"If the Court please: After Jupiter had thundered all around the sky, and had leveled everything and everybody by his prodigious bolts, Mercury came out from his hiding-place and looked around to see how much damage had been done. He was quite familiar with the weapons of his Olympian friend. He had often felt their force, but he knew that it was largely stage thunder, manufactured for the particular occasion, and he went his round among the inhabitants of Olympus, restoring the consciousness and dispelling the fears of both gods (with

a bow to the Court), and men that had been prostrated by the crash. It is in that spirit that I follow my distinguished friend; and shall not undertake to cope with him by means of the same weapons, because I am not master of them.

"It never would have occurred to me to present, either as an opening or closing argument, to this great and learned Court, that if, in their wisdom, they found it necessary to protect a suitor who sought here to cling to the Ark of the Covenant, and invoke the protection of the Constitution, which was created for us all, against your furnishing that relief and protection that, possibly, the popular wrath might sweep the Court away. It is the first time I ever heard that argument presented to this or any other Court, and I trust it will be the last.

"Now, I have had some surprises this morning. I thought until to-day that there was a Constitution of the United States, and that the business of the executive arm (turning to the Attorney General) was to uphold that Constitution. I thought that this Court was created for the purpose of maintaining the Constitution as against unlawful conduct on the part of Congress. It is news to me that Congress is the sole judge of the measure of the powers confided to it by the Constitution, and it is also news to me that that great fundamental principle that underlies the Constitution, namely, the equality of all men before the law, has ceased to exist."

Mr. Carter, Mr. Choate remarked, had said that in the convention which framed the Constitution there was one ever-present fear. This was that by a combination of States an unjust tax might be put upon a single State or a little group of States. Mr. Choate directed the attention of the Court as to how the present law would strike. In 1873 Massachusetts, New York, New Jersey and Pennsylvania paid four-fifths of the tax on incomes above $2,000. What was their political representation in the House of Representatives, which only can initiate the passage of revenue bills? Eighty-three out of 356, or a little less than one-fourth. The increase of exemption from $2,000 to $4,000, Mr. Choate said, would bear upon those States with vastly greater force, so that they would pay nineteen-twentieths of the tax under a law "imposed upon them by other States, who, as the chief justice has quickly seen in the course of the argument, will not bear a dollar of it."

This iniquitous result, Mr. Choate said, had been brought about by an express violation of two of the leading prohibitive restraints of the Constitution, and despite the contention of the Attorney General and his associates that this state of things could not be helped, Mr. Choate thought it could. The main argument presented by Mr. Carter in support of the law was that the men upon whom it was imposed were too rich. He claimed that $20,000 might have been made the minimum of exemption in the law, and that there would have been

no help for it. He said in his brief that although we could not tax John Jones by name, however rich he may be, we could make a class to designate him and so tax him. "Now," continued Mr. Choate, "if you approve this law, with this iniquitous exemption of $4,000, and this communistic march goes on, and five years hence they come to you with an exemption of $20,000 and a tax of 20 per cent., how can you meet it, in view of the decision they ask you to render? There is protection now or never under this law. You cannot reserve the limit, and my learned friend says you cannot apply any limit. He says that no matter what Congress does in the matter of a limit; if in their views of so-called—what did he call it? Sociology? Political Economy? —they say a limit of a minimum of $20,000 or a minimum of $100,000, this Court will have nothing to say about it. I agree that it will have nothing to say if it lets go its hold upon this law—upon a law passed for such a purpose, accomplishing such a result by such means. I thought that the fundamental object of all civilized government was the preservation of the right of private property. That is what Mr. Webster said at Plymouth Rock in 1820, and I supposed that all educated, civilized men believed it. According to the doctrines that have been propounded here this morning, even that great fundamental principle has been scattered to the wind.

"Washington and Franklin were alive to that sacred principle, and if they could have foreseen

that in a short time—for what were 115 years in the life of the Republic—it would be claimed in the Supreme Court of the United States that, not despite that Constitution, but by means of it, they had helped to create a combination of States that could pass a law for breaking into the strong boxes of the citizens of other States, and giving out the wealth of everybody worth more than $100,000 for general distribution throughout the country, they would both have been keen to erase their signatures from an instrument that would result in such consequences. The spirit that invaded the Halls of Congress is seeking to throw up its intrenchments in the Supreme Court of the United States. If this law is upheld, the first parapet would be carried, and then it would be easy to overcome the whole fortress on which the rights of the people depend."

This extract from the commencement of his argument will serve to illustrate the simplicity and directness, tinged with delicate humor, with which he appealed to those master minds on the Bench. Thus he secured their interested attention, and, having secured it, was able to hold it in discussing the profound subjects involved.

This is not the place to follow Mr. Choate through his elaborate and effective argument, especially as an outline of it may be found in the case as reported in 157 United States Reports at p. 522.

The Supreme Court held the case under advisement eleven months, and then annulled the Act in respect only of the involuntary payment of the tax

on the rents and income of real estate and the income from municipal bonds. This was an important step gained, but it did not satisfy Mr. Choate and his associates. As to the remaining questions, the Court being equally divided in opinion, the decision of the lower Court as to them was sustained. A petition was, therefore, presented for a rehearing upon the ground that there had been no authoritative decision on these points. As Mr. Choate expressed it, the real basis of this application was that as the Court had annulled an important part of the Act, they should not stop there, but go on and annul the rest of it. This was, indeed, the gist of Mr. Choate's argument. His plea for the annulment of the Act, on the ground that the Court's decision on the former hearing had mutilated it so that it ought not to remain a law in its mutilated shape, was the strongest part of his argument. Having succeeded in mutilating the Act at the former hearing, he proceeded cheerfully to the work of destroying what was left of it.

Just before he began his argument, a supplemental historical brief of the Assistant Attorney General was distributed, affording Mr. Choate an opportunity to amuse the Court by saying that he could not learn one hundred pages of history in five minutes, and, therefore, he could not tell what had been added to the general stock of historical knowledge; and he caused much merriment when he added that he had heard what the Assistant Attorney General had to say in regard to it in his speech,

when he stated, in effect, that he would illuminate the path of the Court backward as it retreated from the decision already made.

Mr. Choate's argument was based upon a decision in Massachusetts by Chief Justice Shaw, which, in substance was, that when parts of an Act of Congress are declared unconstitutional, the other parts of the same Act not so condemned may remain in force and operate as law, providing always, that such remaining parts are independent of those condemned by the Court. But in an act in which all of the different parts are dependent on each other, and in which the elimination of one or more clauses might alter the nature and effect of the others, the condemnation, on constitutional grounds, of one or more clauses must cause the entire Act to fail. This decision was supported, to some extent, by two cases in the Supreme Court of the United States.

Mr. Choate pointed out to the Justices that, under Chief Justice Shaw's decision, they must annul the income tax entirely, unless they could clearly see that Congress would have passed the Act in the form their recent decision had left it. Having stated this fact, and read Chief Justice Shaw's ruling, Mr. Choate branched out into a very able demonstration of the fact that Congress would never have passed an Income Tax law had it known how the Supreme Court was going to mutilate it, and that so mutilated it was to be applied to the taxpayers.

He reminded the Court that the one particular

object of the Congressional lawmakers had been to strike at accumulated wealth represented by real estate. He reminded them that, in Congress, one particular man (he meant William Waldorf Astor), living abroad, had been the special object of legislative attacks. This man, he said, owns squares and acres of New York City, but under the decision of the Court, at its former hearing on this law, he and his income and his accumulated wealth had slipped through the fingers of the Congress that meant to tax him.

Congress, Mr. Choate declared, would have never passed an income tax exempting the income of such a man as this. Under Chief Justice Shaw's decision, the Supreme Court must annul the entire Income Tax law, since it had annulled a clause which the makers of the law would have considered vital.

Mr. Choate drew a very effective picture of the mangled law as it would work after passing through the hands of the Supreme Court. "Land owners escape," he said; "bondholders escape, and I think that under your Honor's decision owners of incomes from personal property will escape."

Mr. Choate's argument at the first hearing was a plea to release the big fish, including the rich man whom he mentioned as living across the water. His plea to the Court now, to use his own words, was: "The biggest fish have got out through the rent that your Honors have made in the meshes of the tax. Will you allow the little fish to be alone made the victims?"

That Mr. Choate fully realized the importance of the case, and the responsibility he was under, is manifested in his closing sentences:

"I have felt the responsibility of this case as I have never felt one before, and never expect to again. I do not believe any member of this Court has ever sat, or ever will sit, to hear and decide a case the consequences of which will be so far reaching as the present one; not even the venerable member of the Court (Mr. Justice Field) who survives from the early days of the Civil War, and has sat upon every question of reconstruction, of National destiny, of State destiny, that has come up in this Court during the last thirty years. No member of the Court will live long enough to hear a case involving a question more vital than this, which affects so seriously the people of these United States, who rely upon the guarantees of the Constitution which our fathers made, and under which our people have lived until this time.

"If it is true, as my learned friend [Mr. Carter] said in closing, that the passions of the people are aroused on this subject; if it is true that a mighty army of 70,000,000 citizens is likely to march this way to see about the decision in the pending case, it is all the more vital and important to the future welfare of this country that the Court should now determine, in the first place, whether it has the power, and then, if it has the power, to proceed to

exercise it, in order to put a stop to such legislation as that in controversy here."

The Court soon announced its decision, sweeping away the entire Act by holding, in addition to the points previously decided, that taxes on personal property, or its income, are direct taxes, and that the tax on the income of real estate and of personal property being a direct tax and, therefore, unconstitutional, because not apportioned according to representation, the entire scheme of taxation was necessarily illegal.

The fee which Mr. Choate received for this important service has been the subject of a good deal of speculation and guesswork. I was desirous, of course, of obtaining first-hand information in regard to it, but at a loss how to do so without appearing to be too inquisitive as to purely private concerns. For a long time I forbore to allude to the subject, but, as it was necessary to have an interview with him for the purpose of obtaining information as to his age when some of his photographs in my possession were taken, I concluded to use all the tact at my command to learn the amount of his fee. I was fortunate in finding him in one of his most genial moods and, after a general conversation, in which he told me about the Fitz-John Porter case, we took up the photographs. Coming to one of them he remarked, "Why, this was taken at the time I argued the Income Tax case." I expressed my satisfaction, as I knew the public would

want to know just how he looked at that time. Without my alluding to the fee, he went on, of his own accord, to say that it was remarkable how much had been said about his fee in that case. "A good many people," said he, "have stated that my fee was as high as $250,000, but nothing could be further from the truth, although that amount would not have been excessive. The parties directly interested in the case, who could be called on for a certain amount, were a few insurance companies, with the expectation, however, that a number of banks, and other financial interests, would contribute to some extent, but not one of them did so, and all that I received for my services for preparing the case and making the two arguments before the Supreme Court of the United States was $34,000." The case involved millions, and the fee was, I think, very inadequate.

The list of important cases in which he was engaged is long, embracing a large variety of legal controversies, raising difficult questions, requiring for their solution careful investigation, and legal acumen of the highest order. Among them may be mentioned, in addition to those already referred to, the important will cases of Vanderbilt, Tilden, Stewart, Hoyt, Cruger, Drake and Hopkins, and the suits of Hutchinson against the New York Stock Exchange, and of Loubat against the Union Club. In the Supreme Court of the United States were those of Gebhard against the Canada Southern Railway; the Kansas Prohibition case; the Chinese Exclusion case; the California Irrigation case; the Bell

Telephone case; the Texas Trust case; the New York Indians case; the Berdan Arms case, and the Southern Pacific Land Grant case, which involved the title to large portions of western territory.

On his return from England, at the end of his ambassadorship, he delivered an interesting informal address at a meeting of the Bar Association, at which, in expressing his pleasure in again finding himself among his brethren of the Bar, he ventured to express the hope that there was still a place for him among them. This hope was fully realized; there was a large place for him, as is manifest from the important cases in which he was retained, among them that of the American Sugar Refining Company charged with accepting rebates from the New York Central Railroad Company, and that against the Interborough Street Railway Company, in the latter securing a payment to his clients of $6,000,000, and receiving a fee of $150,000.

In the retrospect, Mr. Choate's career at the Bar was attended by favorable circumstances. His singular good fortune in coming into association with Mr. Evarts and Mr. Southmayd opened up the way for his remarkable achievements. He found in them precisely what he needed as a complement to his own natural gifts. They were both extremely able and well-equipped lawyers, and in the great variety of cases they conducted he had, by contact with them, without poring over books, a form of *viva voce* instruction calculated to impart a broad and accurate

knowledge of the law. Experience with them was the best of all teachers. This he fully acknowledged in what he had to say of them, and of his legal knowledge gained with them "in fighting in the Courts." Moreover, the strong bonds of sympathy which existed were well calculated to call out from them their rich stores of legal learning, and from him perfect confidence in their opinion and judgment, and enthusiastic co-operation with them in following out the lines of procedure they marked out. He was also spared the necessity of depending upon the development of a slowly growing practice, consequent on individual effort. He was introduced, at once, into a large practice, which removed, entirely, all question of where business was to come from, and the days of weary waiting incident to lawyers who build up a practice of their own. He had his work cut out for him, and it was for him to show his efficiency. The kind of work he was called upon to do was exactly the kind he liked the best, and for which he was best fitted. It was that which he describes as having occupied him during the first ten years of his practice, in acting as junior to Mr. Evarts in the trial of cases in the Courts.

He was fortunate, also, in the period during which he was in active practice. The half-century upon which he entered, when he took his place at the New York Bar, was to be eventful, not merely for himself, but for his chosen city and profession. The city was to develop in size and importance in

all that pertains to finance and commerce, beyond all human expectation, opening new and unexpected paths of professional activity; the profession, having recently emerged from its double-headed system of common law and chancery to practice under the code, was to witness the development of a large variety of questions to be considered and decided, and the introduction of modern methods and facilities for dispatching business unheard of, and, indeed, not dreamed of, when he took his place at the Bar. The telegraph and railway were of recent introduction, and the ocean steamer was a comparative novelty, the former stretching out into a network of iron over the land, and the latter making its pathway through the sea. These, and their attendant interests,—transportation by express and freight—gave rise to novel questions growing out of their duty as carriers of passengers and property, and, as well, out of corporate management, with its consequent insolvencies, receiverships, and reorganizations. In other lines of human enterprise and industry the development was no less marked—such, for instance as fire, life and accident insurance—all of them presenting important legal questions to be settled by the Courts.

His profession, too, was completely transformed through the introduction of the typewriting machine and telephone, and the introduction of women employees as stenographers and typewriters.

His many cases, to a few of which I have referred, bear witness to the fact that in the enlarged domain

of legal discussion which the multiform developments of our national life occasioned, he was in the forefront. He was fortunate in his opportunities, but unusual ability and unwearied zeal and perseverance were essential to show he was equal to the occasion. If we are to judge lawyers by the results they produce, he is entitled to a high place among lawyers, for, if there ever was a winner of cases, he was one. And what is more to his praise is his consistent and uniform observance of such a high standard of professional conduct and professional ethics that in all his long life his reputation as a lawyer was not clouded by a breath of suspicion, while his professional achievements entitle him to be regarded as one of the most distinguished ornaments of the American Bar.

IV

THE AMBASSADOR

IV

THE AMBASSADOR

It was not until Mr. Choate was inclined to withdraw from the strenuous activity of a lawyer that he accepted office, when President McKinley, on January 11, 1899, appointed him Ambassador at the Court of St. James. This was a popular and well-deserved recognition of his eminence and usefulness as a citizen, his distinguished attainments as a lawyer and his unquestionable social fitness for the position.

Notwithstanding that his appointment was received with enthusiastic acclaim throughout the nation, it created an uproar among the Irish. His St. Patrick day speech had aroused fierce animosity, and one of the leading Irish-American journals said: "In appointing Joseph Choate to be Ambassador to England Mr. McKinley has virtually spat into the face of every man and woman of Irish birth or blood in the United States, and he has done so deliberately, knowing well that Mr. Choate is the incarnation of hate to the Irish race, and that the selection of such a man would be a cruel insult to a large and powerful element in the Republican party that has made him President."

The *Irish World* greeted his appointment with

an editorial entitled "A Compliment to England," in which he was described as a virulent enemy of the Irish race; as hating the Irish as the devil hates holy water; his malevolence not confined to any class or section of Irish, abhorring them all, and whenever occasion offered to spit his venom at the Irish he has done it, and when no occasion offered he made it.

Nevertheless, in after years, when the sting of the St. Patrick day speech had lost its smart, I believe the Irishmen in America were proud of him.

Thus, at sixty-five years of age, he was transferred from the ranks of the busy lawyer to the untried field of diplomacy. To his remarkable adaptability there was added a training in professional and social responsibilities, which he unconsciously underwent for many years, qualifying him to fill, with distinguished success, the highest diplomatic post in the gift of the President.

Although legal qualifications are little calculated to rank as merits in the eyes of foreigners, and frequently obscure and conceal the finest qualities of character, Englishmen admired his brilliancy, unfailing humor and personal charm; and nowhere were his *bonhomie,* ready wit, cultivated intellect, social attractiveness and graceful oratory displayed to greater advantage. They won for him unbounded popularity, unexcelled, if equaled, by any of our representatives at that Court. He tells us his one instruction from President McKinley, on receiving his letter of credence, was to promote the welfare

of both countries by cultivating friendly relations.

Before his departure for England he was honored with a reception at the Bar Association. When the long file of well-wishers was nearly ended, he turned to the President of the Association and remarked, as an aside, but heard by all in the immediate vicinity: "This is a great occasion; but I did not know there was such a lot of people who are glad to see me off."

For a few days before his departure, he said he was confined to his house with that particularly English malady, the gout. He desired a swinging sling in his study in which to rest his gout-ridden foot. He, therefore, appropriated several yards of bandage linen, in strips about a half-a-foot wide, and selected two high back chairs to which he attached the strips of bandage, and carefully put his sick foot in the improvised swing. "Ah! that beats a footstool," he said, as he leaned back in his armchair. But the chairs were light and the foot was heavy. The tops of the chairs came together with a crash. The swollen foot struck the floor and he screamed with pain. The members of his family, including the servants, rushed in alarm to his rescue, thinking something terrible had happened. The startled butler was about to run for the police or the firemen—he was not quite clear which—but was restrained by a chambermaid, who hysterically threw her arms about his neck, and demanded his protection in the hour of danger. Mr. Choate was picked up care-

fully and fixed up in the armchair with pillows. Then he ordered everyone from the apartment. "I know," said he, "that a swinging sling is a good thing; it only needs development; let me think," he mused. After a little he called a servant, and had him rig up the chairs and sling once more. "Now," said Mr. Choate, "put those volumes of *Blackstone, Bishop on Marriage and Divorce,* and *Story on Contracts* on the seat of the right hand chair. No, not that way, put *Blackstone* at the bottom. We must be consistent even in little things, and *Blackstone* makes a good legal foundation. Next put *Contracts.* That's it. Now, *Marriage and Divorce* at the top of the heap—triumphant—despite *Blackstone* and *Story.* On the other chair put that book of *Blank's Life and Jokes.*"

"Anything else?"

"No, Blank's jokes are heavy enough to counterbalance all the weighty tomes ever written."

Thus weighted, the chairs held firm, and Mr. Choate was able to rest his foot with some degree of comfort, while he improved his enforced idleness in thinking up appropriate material for English consumption.

He no sooner presented his credentials than a bombardment began. Chambers of Commerce swooped down upon him, and bore him off in triumph, as their guest. The Omar Khayyám Club aimed an invitation at him and demanded unconditional surrender. The Dante Society, under the lead of Mrs. Craigie ("John Oliver Hobbes"),

authoress of that successful play *The Ambassador,* insisted on escorting him through the infernal regions, and he, in turn, gracefully acknowledged that he had learned more of his diplomatic duties from her play than from any other single source. The Wordsworth Society, and Browning Society pressed their claims. The Birmingham and Midland Institute elected him its annual President and exacted, by way of tribute, an address on Benjamin Franklin. The Philosophical Institution bestowed the same honor and claimed, as a reward, his fine address on Abraham Lincoln. The public schools, playing upon his interest in education, lured him into distributing their prizes, and political leagues expected him to tell them about the United States Supreme Court. The historic city Guilds fastened upon him, and he was a standing feature at their banquets. Charitable and philanthropic societies pursued him. Workmen's Institutes claimed him on account of his democratic sympathies. Libraries refused to be opened except by him. He was the obvious man to unveil a bust or a portrait. Sporting and Fox Hunting Clubs could not get along without him. His presence was expected at dinners in honor of famous individuals, and his nation's birthday and day of Thanksgiving expected him to add something fresh and new on threadbare subjects. He was turned into a sort of ambassadorial lecturer to the English Nation who demanded from him, at every turn, eloquence and yet more eloquence; versatility, and yet more versatility. He

was launched on an oratorical tour from Land's End to John O'Groat's.

As the Lord Chancellor of England said at the banquet of the Bench and Bar on April 15, 1905, in speaking of the responsibility and difficulty of the Ambassador's task: "It is no light task; it is no easy task. In the first place, he has to assume the protection of all his countrymen. He has to assume that all his countrymen are absolutely right—and, may I say, sometimes they are not—[laughter], and when he has to conduct a political negotiation I think the late Lord Salisbury compared it to the manner in which a person would play whist, with everybody behind him talking and considering what should be the next card to play." [Laughter.]

Up to the very last no one approached him in versatility, in effectiveness, in the dignity that humor always saves from being pompous. He had the highest reputation as an after-dinner speaker. He was also a great citizen. For a man of sixty-five to transplant himself to a new social atmosphere and start out on a new career is a hazardous experiment. It made his task not easier, but harder, because success was to be achieved in purely social ways, and the social ways of England and America are so dissimilar that every dissimilarity is noticed and commented upon at once.

When he was appointed, the American Ambassador who made his mark was not so much the diplomatic representative of the United States as the national guest of England, and he best ac-

complished his mission who lent himself freely to the infinitely varied demands of English hospitality by becoming Ambassador to Englishmen as well as to England; not that Mr. Choate had not his diplomatic successes, but the outstanding merit of his Ambassadorship was its supreme range of sociability. He learned to know all classes and almost all corners of England. He spent his time, ungrudgingly, in forwarding public and philanthropic movements, and in the task which he ranked the first of his official duties, of doing all he could to interpret America to England. There was no occasion of the slightest Anglo-American interest that could not enlist his presence and voice, and the genial freshness and aptness of his speeches made them always the prominent feature. He was never heard to make a speech without saying something enlightening. His voice of rare clarity and carrying power, gestures that were almost a species of eloquence in themselves, and a wide range of reading and observation, assimilating everything he either read or observed, aroused the admiration of the English people, and stamped his term of service with certain characteristics which may be said to constitute the Choate touch, and which no one is likely to reproduce.

His six years of Ambassadorship were fortunately years of freedom from international complications, and he attributes the "conduct of our relations, no longer foreign relations," which existed between the two countries, to his agreeable

intercourse with the distinguished occupant of the Foreign Office, Lord Lansdowne.

As Ambassador he rendered efficient service, in a line with his instructions from President McKinley. His attractive personal qualities made him a welcome guest in all circles of society, and particularly among his professional brethren of the English Bar.

It has become a tradition in England that the American Ambassador may not be an accomplished diplomat but he must be an accomplished speaker. After-dinner oratory is especially prized in England, because distinction in that line is difficult of attainment to the children of her soil. In post-prandial oratory he was pre-eminent, and his addresses at public functions were valuable contributions toward familiarizing our kin beyond the sea with historic Americans, and with our literature and institutions. His addresses on Abraham Lincoln, Benjamin Franklin, Alexander Hamilton, Ralph Waldo Emerson and John Harvard; also on the English Bible, Education in America and the Supreme Court of the United States, furnish excellent examples of broad culture, high attainments, remarkable natural powers and all that is most attractive in public life.

The quality of his humor was such as to appeal very strongly to a British audience. It cannot be true, as has been said, that "it takes a surgical operation to get a joke into a Scotchman's head," for Mr. Choate's wit was sufficiently penetrating, without accessories, to evoke from an audience of

Scotchmen shouts of laughter. An illustration of this is his address before the Edinburgh Sir Walter Scott Club, November 11, 1899. In the course of it he said:

"Now it must be said that Americans and Scotchmen, in particular, have a great deal in common. Even in those lighter personal characteristics, which sometime amuse our common critics, they are very much alike. [Laughter.] Our natural habit, for I confess it is a fixed habit, of making ourselves at home wherever we go [laughter], must have been inherited from some remote Scottish progenitor [laughter], for, I assure you, that your people come over and settle down upon us and make the very fat of our land their own. [Loud laughter.] They celebrate the birthday of your patron saint with far more gusto than you have ever done at home, no doubt about that, and on the 30th of November they convert our great land from the Atlantic to the Pacific into another land of cakes." [Great laughter.]

During his sojourn in England he was particularly *persona grata* with Her Majesty the Queen. His manner toward her differed widely from the prevalent awe of royalty, which characterized her subjects, even of the highest rank, and was much the same as that toward any elderly lady, whose position and personal character called for deference and respect, and his interesting conversation not

only highly entertained her, but his witty observations were sufficiently amusing to evoke a royal smile, and disturb royal dignity.

His first public appearance and speech in London was at a dinner of the Association of the Chambers of Commerce, in which he alluded to President Cleveland's Venezuela message as follows:

"You know that on our side of the water we love, occasionally, to twist the Lion's tail for the mere sport of hearing him roar. Well, that time he disappointed us, he would not roar at all, but sat silent as a sphinx, and by mutual forbearance —our sober second thought aiding your sober first thought—we averted everything but a mere war of words."

His allusion to the British Lion, and the possibility of "twisting his tail," was not in accord with the English point of view respecting the dignity belonging to that noble beast. Speaking metaphorically, this utterance was a twist of the Lion's tail in his native lair, and evoked, unexpectedly, a good-sized roar of disapproval from the British press because it evidently did not appeal to the British sense of humor. It was not a bad break, however, not bad enough to have any permanent effect and, later on, under the influence of Mr. Choate's tickling, the British Lion roared "as gently as a sucking dove."

A story went the rounds of an incident said to have occurred at a Ducal house, where a nobleman of high rank, seeing Mr. Choate at the door, and

"THE OPEN DOOR"

The Queen: "Come in, Joseph. Charmed to see you"

mistaking him for the butler, said: "Call me a cab." To which Mr. Choate responded: "You are a cab." The nobleman naturally took offense, and complained to his host, but was placidly informed it was his error in mistaking the American Ambassador for a butler. Full of apologies to Mr. Choate he expressed regret that he did not know he was the American Ambassador. "Oh," Mr. Choate replied, "pray don't apologize; if I had known whom you were I would have called you a *hansom* cab." Mr. Choate, I believe, disclaims and repudiates this incident as a part of his English experiences, but the story has been so often applied to him that it is generally accepted as a Choate anecdote.

During his sojourn in England Mr. Choate's well-proportioned figure underwent quite a transformation. He who had been rather slight returned with a corpulence quite astonishing. Someone observing this remarked: "Why, Mr. Choate, you have been getting stout since you went abroad." "Oh, yes," replied he, "it was necessary to meet the Englishmen halfway."

A witticism of the same character occurred in a case in which I was concerned. One of the lawyers, exceedingly corpulent, was making an argument. Mr. Choate leaned over where I was sitting and remarked: "Strong, look at Blank, he *carries all before him.*"

The cockneyism of London must have afforded him opportunity for making a great deal of fun.

The dropping of the h's called forth a delicious *mot.* Observing on the street a box marked "drop-letter box" he said, "Well, that box must be full of h's."

His social and diplomatic success as Ambassador secured him the honor of a farewell banquet by the Lord Mayor of London on May 5, 1905, and his "farewell" spoken on that occasion reveals, to some extent, the character of the tributes to his worth.

It is no wonder he was well received by the English Bar, for his fame as a lawyer had preceded him. There is probably no body of men more conservative, less likely to be carried away by impulse, more critical, if not suspicious, of American lawyers, than our brethren of the English Bar. But when they came to see and know Mr. Choate they received him, without reserve, into the inner circle of their intimacy, and among them he found his warmest and most agreeable friends. I heard him deliver an address before the Association of the Bar of New York upon his relations with the English Bar, and in the course of it he remarked that the most delightful nights he had spent in England were those passed among the Benchers of the Middle Temple. No better evidence than this is needed of the place he won in their affectionate respect and regard, and it was, as might have been expected, that, at the close of his service as Ambassador, he should receive the best it was in the power of the Benchers to bestow, for they elected him a Bencher of the Middle Temple, and so enrolled him among

the worthies of the English Bar. It is only necessary to read his address at the dinner given him by the Bench and Bar of England, on April 14, 1905, to realize how agreeable and intimate his relations were with the English Bar, and what they bestowed on him of rich and generous appreciation.

The honor of election as a Bencher was extraordinary and exceptional; a mark of respect never before conferred on anyone not an Englishman since the middle of the seventeenth century. In the long line of lawyers who have represented this country at the Court of St. James for over a hundred years, he was singled out for this distinction. This, as the Lord Chancellor said, at the dinner of the Bench and Bar at Lincoln's Inn, was because he had won for himself a position of his own as the very ideal of an Ambassador—as the interpreter and intermediary of the highest interests of the two nations—and that the Bench and Bar were proud of him and honored him as one of their own profession, who had proved himself to be one of the most successful of diplomats.

At the Mansion House dinner just before his departure he alluded to his retirement as follows:

"I have been asked a thousand times in the last three months, 'Why do you go [laughter and cheers], are you not sorry to leave England; are you really glad to go home?' Well, now in truth, my mind and heart are torn asunder by conflicting emotions. In the first place, on the one hand, I

will tell you a great secret. I am really suffering from homesickness; not that I love England less, but that I love America more, and what Englishman will quarrel with me for that? [Cheers.] There is no place like home, be it ever so homely [laughter], or as the old Welsh adage has it, 'East and West, home is best.' My friends on this side of the water are multiplying every day in number, and increasing in the ardor of their affections. I am sorry to say that the great number of my friends on the other side are as rapidly diminishing and dwindling away: 'part of them have crossed the flood and part are crossing now,' and I have a great yearning to be with the waning number. And then, on the other hand, to make a clean breast of it, in this family party, I am running a great risk if I stay here much longer of contracting a much more serious disease than homesickness—Anglomania [laughter], which many of my countrymen regard as more dangerous and fatal than *cerebro spinal meningitis.*" [Laughter.]

There were few important matters of diplomacy which arose during his incumbency as Ambassador —in fact only four. These were the Hay-Pauncefote Treaty, the Alaska Boundary, the "Open Door" in China, and the controversy concerning Samoa.

The Hay-Pauncefote Treaty, which originated in changed conditions growing out of the construction of the Panama Canal, was the subject of extended diplomatic negotiations. These involved the abro-

gation of the Clayton-Bulwer Treaty, in order to make it possible for our Government to build and operate the canal, without in any way violating our international obligations to England. When he took the matter up, the Minister of Foreign Affairs informed him that the whole matter had been left with Lord Pauncefote, and that the negotiations should be with him. Accordingly, negotiations were conducted between Lord Pauncefote and Mr. Choate in London, and were reported to Mr. Hay, who was then Secretary of State. Letters from Mr. Choate on this subject will be found in Thayer's *Life of Hay*. These negotiations extended over a year, and the successful negotiation of the treaty, which was subsequently ratified, is acknowledged to have been accomplished by the skillful diplomacy of Mr. Choate.

The determination of the Alaska Boundary assumed importance owing to the discovery of gold in the Klondike. The rush of gold seekers and adventurers made the determination of the boundary imperative, for the Canadians made claim to the inlets, harbors and channels, which had been undisputedly American since 1867, when purchased from Russia. A Joint High Commission was unable to reach any satisfactory result, and adjourned without settling the controversy. It was not until January, 1903, that negotiations were reopened, and a limited Commission appointed, to consist of three Americans and three Englishmen. It was taken for granted that the Americans and the Canadians

would each uphold the claims of their respective Governments, and the decision really depended upon Lord Alverstone, Lord Chief Justice of England, the chief of the British Commission. It was hoped that Mr. Choate would undertake to present the argument of the American case to the Commission. Mr. Hay, Secretary of State, desired this because, as he expressed it, "A mere legal argument is not what is required in this unprecedented case. A sharp, aggressive lawyer will run a great risk of getting Lord Alverstone's 'back up.' Mr. Choate would have made an argument faultless in tone, temper, skill and knowledge of human nature." But Mr. Choate believed it would not be proper for him who, as American Ambassador, had negotiated the appointment of the Commission with the British Ministers, to appear before the Commission as a lawyer to support by argument the American case. He felt it might be thought he had not been quite candid, and that it would be likely to affect his personal and official relations with the British Government. In this he was undoubtedly correct. The result was, however, a victory for the United States, whose claim was upheld by Lord Alverstone as against the Canadian Commissioners, who dissented.

A great diplomatic question arose in 1900 due to the situation in China, which had been threatening ever since the Germans obtained a foothold there in 1897. The Boxer Uprising, whose purpose was to drive foreigners out of China, was of serious

import. It led the American Secretary of State to issue his famous note to foreign Governments on the "Open Door" in China. In it he outlined a policy which would affect not only the political and commercial status of China, but that of the rest of the world having relations with that Government. It was Mr. Choate's duty to undertake negotiations with Great Britain upon this subject. Not one of the European Governments wished to agree to it, because each had secured valuable concessions from China, and believed it more profitable to hold those already obtained, and endeavor to secure others. Mr. Choate's diplomatic endeavors were to prevent the accomplishment of this, and induce England, Germany and Russia to act together. This result was finally accomplished by the Powers agreeing among themselves as to their demands, and uniting in presenting them to the Emperor of China, who of necessity yielded, and the "Open Door" in China was thus guaranteed.

The last of these matters was that of Samoa, which involved a controversy with Germany. At this time the United States exercised, with Great Britain and Germany, a co-dominion over Samoa. Disputes and friction had arisen between the Governments, which finally became acute and, in consequence, they agreed to give up the co-dominion. It was, therefore, necessary to settle the terms of separation, and the disposition of the Samoan Islands. After considerable negotiation, in which Mr. Choate bore an important part, Germany

retained all the Islands, except one, Tutuila, the smallest of them, but the most important and useful to the United States, and England was compensated by concessions elsewhere; equal rights as to trade and commerce being reserved by the United States and England in Samoa. The result of these negotiations was regarded as very advantageous to the United States, while Germany obtained the least valuable portion in the settlement.

It is not, however, to diplomatic achievements we must look for the explanation of Mr. Choate's success as Ambassador, but, rather, to those scintillating gems of oratory at all sorts of functions, calling for ingenuity and tact, as well as versatility and a well-stored mind, and it is there we shall find it.

His fertile and productive mind may be likened to a garden of rich soil sown with variegated flowers appealing, in their efflorescence, to a sense of beauty and affording delight to beholders. From this garden he permitted our kin across the sea to gather bountiful decorations to grace their festive occasions, and thus won their regard.

How well Mr. Choate obeyed the instructions of President McKinley to cultivate amicable relations between the two countries, ample testimony is afforded by his many informal addresses, on occasions best served by a combination of graceful humor and serious thought. This combination, rarely found, existed in his case in perfection. He seemed to possess the two in exactly proper pro-

portions, while added to them was a remarkable appreciation of how to use them with the happiest effect on an English audience. These addresses, always adapted to the occasion, appropriate in treatment, witty in expression, with a substratum of dignified thought and informing ideas, characterized by a simplicity that constituted their greatest charm, are, in themselves, unique specimens of graceful oratory. But an important contribution to his success, as best disclosing the virile and scholarly quality of his mentality, were his addresses on formal occasions, collected in his *Lincoln and Other Addresses,* which afforded a substantial background to his more intimate, and seemingly impromptu, utterances.

Nothing could have been better suited to call forth Mr. Choate's remarkable versatility than the many instances, varying widely in importance, in character and in subject, most of them local and informal, but some, indeed, of especial significance, at which his presence and talents were sought tc grace the occasion. Aside from those entirely formal and of national interest—when he treated such great subjects as Lincoln, Franklin, Hamilton and the Supreme Court of the United States, or accepted the freedom of Edinburgh—there were those less formal, and often purely local, when at the opening of libraries he talked about books; or at school anniversaries dealt with education; or at literary gatherings discoursed on literature; or at meetings of sportsmen spoke on sporting themes

dear to Englishmen; or with the actors discussed the drama; or among merchants enlarged upon commerce; or at workingmen's institutes gave his views on industries; and at the celebrations of Thanksgiving and Independence Day held forth on themes typically American. From the large quantity of such addresses a considerable number have been selected, sufficient to illustrate the character of his service in promoting friendly feeling between England and America, and the versatility and tact with which he won the admiration of our English cousins, and set at naught that evil tendency expressed in the old saying "they hate each other like cousins."

I have alluded to his first speech after landing, at the dinner of the "Association of the Chambers of Commerce," when he referred to "twisting the Lion's tail." This was an important occasion where were present some of the chief dignitaries of the realm, including the Lord Chancellor, the Lord Chief Justice and eminent representatives from commercial life throughout Great Britain. He spoke as follows:

"In the first place let me protest against the unequal manner in which the response to this toast has been assigned. That I, a total stranger among you, should have been called upon to respond to it in priority to the Lord Chief Justice of England—at whose feet I have sat, at a great distance off [laughter], and whose example I have vainly tried

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to follow—that I should have been called upon to speak before him overwhelms me with embarrassment. Then another thing I would have you understand, which is that I feel that when the British Lion is about to roar even the American Eagle should hold his peace. [Cheers and laughter.] Now when I received, before I left America, a very kind note from Sir Stafford Northcote inviting me to attend this banquet of the Associated Chambers of Commerce of England—realizing as I did that this company would embody the whole might of the commerce of Great Britain [cheers]—I felt that I ought to accept it in the same cordial spirit in which it was given. [Cheers.] To be sure I am not at liberty to discuss British commerce. My general instructions from my Government are not to speak about political questions, and only on extraordinary festal occasions. [Laughter.] I am sure that your manifestations bring this occasion within the latter clause. [Laughter.] I was assured by your President that this association in all its doings was absolutely non-political. I have read one or two of your publications—not all through [laughter], I take the liberty to skip figures, statistics and most of the speeches [laughter]; but I read what Lord Salisbury said to you two years ago, that the first duty of the Government for which he then spoke—was the maintenance of British interests and of British obligations; and what is there in that which commerce does not embrace? Truly commerce is the mainstay of the British Empire, and I was glad

to hear from the rear-admiral that the sole object of maintaining your splendid fleets and splendid armies is to preserve peace for the encouragement of commerce. [Cheers.] But I felt that, any way, I might properly and with all modesty avail myself of this occasion—the first public occasion to which I was invited on my arrival—of expressing the appreciation of my countrymen of the forbearance, the good-will and the friendship which have been manifested to them so freely by the people of this country. [Cheers.] It is true that peace between the United States and Great Britain is the first interest, not only of those two nations, but of the rest of the world together. [Cheers.] Now I have to express my gratitude for the cordial greeting which I have received since my landing from all sorts and conditions of men. ["Hear! Hear!"] Everywhere I have been treated as a friend and brother and a representative of your friends and brothers. [Cheers.] I find that England never fails to practice what she preaches; and this open door I have found so broadly opened in such a way and to such an extent as would satisfy, I have no doubt, the yearnings even of the rear-admiral who has swung the circuit of the globe to find it. [Cheers and laughter.] I have read carefully the speeches which he made in the various hemispheres which he has visited [laughter], and I find that he is a good deal troubled, not about the open door, but about the people inside and behind the open door. He has said many times that there is no such great

difficulty in getting or holding the door open as there is in managing the people inside the door, who, as he has often said, have really no capacity to take care of themselves. [Laughter.] But I have found, so far as my observation and experience go —extending over only two weeks [laughter]—that the people inside or behind the door which has been thrown open to him are not only capable of taking care of themselves, but of nearly all the rest of mankind together. [Laughter.] I think I may say as testimony and as witness of the good feeling which is sought to be encouraged on our side of the water that the President gave, as I thought, the best illustration of it when he said in my letter of credence that he relied with confidence upon my constant endeavor during my stay in this country to promote the interests and prosperity of both nations. [Cheers.] And then I want to take issue with Lord Charles Beresford on one further point, and that is that I have found not only the open door, but that I am able to combine with it a new and enlarged sphere of influence ["Hear, hear," and laughter]—a sphere of influence in this era of good feeling peculiarly open to the American people and its representatives, for in this cordial and overflowing demonstration of brotherhood which greets me, what is there that either of us could ask from the other that we should ask amiss? [Loud cheers.] I beg you not to mistake my meaning in what I have said. I do not believe that, although friends, we shall ever cease to be rivals in the future as

we have been in the past. ["Hear! Hear!"] We on our part, and you on yours, will still press every advantage that we can fairly take, but it shall be a generous and a loyal rivalry, and all questions, disputes, controversies that may arise, may we not all say so, shall be settled by peaceful means [cheers], by negotiation, by arbitration, by any possible, and every possible, means except that of war. [Loud cheers.] Now I want to say one word more about this state of good feeling that prevails among us and of which we are all so proud. It is no new sentiment; it is as old almost as is the existence of the Republic. It is now eighty-four years since the last armed conflict between the United States and Great Britain came to an end, and any of you present who are old enough to remember that [laughter] will recall that that conflict of three years ended by a sort of petering-out process, and that no question upon which either side had taken up arms was settled by means of war, showing that between brothers war is the worst possible means of settling any controversy. [Cheers.] But then, during these eighty-four years, what tremendous questions we have had, what heated words, what threatening demonstrations on either side, and yet, while those questions were such as would inevitably have brought any other two nations into open and frequent conflict, they have all been arranged and adjusted between us without even a resort to arms. [Cheers.] Look at some of those questions—the Oregon boundary, the north-

eastern boundary, the Confederate cruisers, the Trent seizure, what one of those would not between other nations have given rise to war? And even, at last, this little unpleasantness about Venezuela. [Laughter.] I am glad, gentlemen, that we can laugh at that now. ["Hear! Hear!"] You know that on our side of the water we love occasionally to twist the British Lion's tail [laughter] for the mere sport of hearing him roar. [Renewed laughter.] That time he disappointed us, he would not roar at all. ["Hear! Hear!"] He sat as silent and as dumb as the Sphinx itself, and by dint of mutual forbearance, of which I have no doubt you claim the Lion's share [laughter] only by virtue of your national emblem, by our sober second thought, aiding your sober first thought, we averted everything but a mere war of words. [Cheers.] And now the Chief Justice of the United States and an ex-President of the United States are shortly coming over to Paris, in connection with similar great representatives of your own jurists, to settle that vexed question which has agitated the remote and obscure corners of the world. ["Hear! Hear!"] Before I sit down I should like to refer to two or three events which have happened since I have been in England which are illustrations of this era of good feeling. Something happened here that I read a great deal about in the newspapers which was talked about as a great crisis, and when the first fresh breezes blew away the fog, which is one of the ornaments of your town [laughter], that

crisis had disappeared by means of peaceful diplomacy. ["Hear! Hear!"] That is what we in America want to imitate and learn, and that is the kind of diplomacy which I, just entering upon a diplomatic career, desire very much to extend. For I am fresh enough to believe that if these two countries labor together for peace and unite their voices in demanding it, it is almost sure in every case. [Cheers.] Peace is our paramount interest, and it is also yours, and I would like to quote my President again, for the last words I heard from him were that the United States were to-day on better terms with every nation upon the face of the earth than they had ever been before. [Cheers.] I do not know that I ought to say anything more about our country. ["Go on."] America, our young Republic, has had a great deal to do during the last hundred years; she has had to subdue a continent and convert a wilderness from the Atlantic to the Pacific into a smiling and healthy garden. That business has pretty nearly been finished off. ["Hear! Hear!"] And so last year your brother Jonathan started out to see the world. [Laughter.] He put on, not his seven league boots, but his 700 league boots, and planted his footsteps on the islands of the sea. [Cheers.] And what gigantic strides he made. To Hawaii, Manila and another step would have brought him to Hongkong. [Laughter and cheers.] Our interests in commerce differ from those of England, not in kind, but in degree only [cheers], and it is certainly by a

common purpose, and a united voice, that we can command peace everywhere for the mutual support of the commerce of the two countries." [Cheers.]

On October 28, 1899, the borough of Longton came into possession of the Sutherland Institute and Free Library, with which was incorporated a School of Art. The introductory ceremony was performed by the Duke of Sutherland. In his remarks the Duke referred to the opening statement of one of the officials as having included almost everything about the Institute, and as having left him very little to say, but that, luckily, he had asked him to leave a matter for him to speak of, and proceeded with it. At the conclusion of his address Mr. Choate was called on and spoke as follows:

"Mr. Mayor, your Grace, and Ladies and Gentlemen:—Now that his Grace has told you all that the alderman left untold, what is there for me to say? [Laughter.] I am placed, I think, in a very embarrassing position—to fill a vacancy, apparently. But I am always very proud to stand and speak under the joint protection of the Union Jack and the Stars and Stripes. [Cheers.] Let us hope they will always float together. [Cheers.] Now, not being possessed of any technical education—[laughter]—I can hardly fill the bill which his Grace has announced for me. I stand here not as a representative of American Art, but I am happy to think

as the official representative of your best customer. [Laughter and cheers.] For I believe we are your best customer. We take and break all your manufactures, and are constantly calling for more. ["Hear! Hear!"] And I believe no danger can arise between the two countries as long as this state of things continues. ["Hear! Hear!"] So long as we can grow wheat and corn on the Mississippi with which we generously feed you—[laughter]—and so long as you send us the implements out of which we are to consume our own food—[laughter]—why, I am sure that peace and amity and sympathy and good-will will continue to prevail. [Cheers.] It is true, as his Grace said, that very great attention has been paid to the subject of technical education in America. I think we received a very strong simulus in that regard some eighteen or twenty years ago, when in a very able report presented by the Royal Commission for the investigation of the subject of technical education, it was stated that we were then rather behind Continental nations in this regard, and it was the substance of their report that we relied more upon the general education of the people in our own common schools for the preparation of our artisans and manufacturers than on any technical institutions. Well, there is something in that about which in a few minutes, before I sit down, I wish to say a word or two. It is true that our whole social system, our whole national life, rests upon the solid basis of education, and that with us every

boy and every girl is entitled to receive at the State's expense a good primary and secondary education—[cheers]—the best preparation for any work or any business or any profession in life. Long before there were any such things ever heard of or thought of as technical institutions, it is a fact that the influence of art and skill and excellence in workmanship had a very wide and commanding influence. The people of Nuremberg, a charming old city which I hope many of you have visited, are very proud of that old couplet that has prevailed there for two or three or four hundred years—

> 'All know Nuremberg's hand
> Goes through all the land;'

and when you see there the exquisite products and handicrafts made by those most celebrated artisans whose names have come down through two or three centuries, you do not wonder they themselves, without any organization, without any establishment, without any building, created a school which has had effects that continue down to this day. It cannot be doubted, that a town like Longton receives an immense impulse and an extraordinary benefit from the establishment of such an institution as this. ["Hear! Hear!"] It is a creation. The mere fact that you have been able, out of your own public spirit to create it, is a proof that the public opinion of the citizens of this town is satisfied that art and taste and skill and excellence are worth having, not

only for their own sake, but as merchantable commodities with which they can support and enrich their posterity in future times. [Cheers.] And so I think the people of this town are to be greatly congratulated upon the fact of this opening to-day. I do not claim that it is absolutely necessary for every workman to have the benefit of such an institution, or the education in such an institution as this. There are wonderful geniuses who without such adventitious aids, by the force of their own personality and character, rise to the front of any calling or craft which they undertake. I have read that Josiah Wedgwood—[cheers]—probably the greatest, the most distinguished potter in England —at any rate, outside of London—[laughter]—that he was taken from school before he was ten years old and placed in a pottery, and then made those rapid advances to fame and fortune with which you are all perfectly familiar. There are many men in many arts to which such institutions as these contribute who can dispense with them—the men of genius like those great engineers, for instance, who have done so large a part in the making of England, and who have become so distinguished themselves. One of the most fascinating romances that I have ever read is Smiles' book of the *Lives of the British Engineers.* Almost every one of them came out of nothing to be the head and front of England's pride and glory. [Cheers.] But I am speaking of the average man, the average woman, who is to earn his or her livelihood in such handicrafts as this

institution will chiefly contribute to. There is no doubt that this, added to the elementary education, the general education, which they are sure to receive in a community like this, and without which no one of them ought to be allowed to grow to maturity—that they will receive enormous benefits. [Cheers.] Here I can, perhaps, contribute one idea of American—well, I won't say origin, because it is so obvious, so palpable, that it seems to me it must have occurred to everybody who has considered this subject at all. I have referred to the universal education with which we are blessed in our country across the water, but one thing I think is clear. Having observed the workingmen of many countries, especially the mechanics of the various countries, I am sure that artistic and technical education, in the way of their trade, will never suffice to make them what they ought to be, unless it rests for its foundation and preparation upon as complete an elementary education as it is possible for each of them to receive. [Applause.] It is so in all professions that I know anything about: the technical education should come on top of any secondary and elementary education. ["Hear! Hear!"] Take a lawyer for instance—a profession with which I am considerably familiar. [Laughter.] If a boy begins to study law as a boy before he has the advantage of a high school, a collegiate, university education, he will be following a stern chase all his life. It is impossible for him to compete with men who have had the superior advantage of the

general intelligence, that more diffused, and distributed knowledge, which comes from what is called classical education. I would not recommend every man who is to be trained to work in a pottery, whether as workman, foreman or manager, to give much of his time to classical preparation, but I was delighted to hear Sir Andrew Noble—whose name you will recognize as the now leading working partner in the great firm of Armstrong and Company—["hear, hear"]—the other day say, that the little Latin he learned in a common school (and there was very little of it) had been a joy and benefit to him throughout all his life. [Applause.] So I say, secure for these boys and girls before you turn them into the potteries—before you add the superstructure of technical education—secure to them as much general knowledge in the common schools (grammar schools or higher schools, or whatever name you give them) as it is possible for them to secure. ["Hear! Hear!"] It will not only add to their happiness, but it will add vastly to their utility. That brings me to the particular point about the workingman that my observation has led me to, and that is, that where the workingman knows only just the little bit of duty and of labor that is expected from him to perform in these days of absolute division of labor down to the minutest details, if he knows nothing else, he is one of the most uninteresting people to himself and everyone else that it is possible to find. [Applause.] I have no doubt that the various elements in the work of

the potter—that trade which has been going on for so many centuries; it began, I believe, when Adam and Eve were turned out of the Garden of Eden. [Laughter.] There they needed no pottery, and it is the only human association I have heard of that didn't need it, or had to do without it. [Laughter.] They must have become potters themselves from prime necessity. [Laughter.] How could they eat, how could they drink without some implement, utensil, dishes, out of which to absorb their food and drink?—the various elements in the work of the potter, I say, are divided into very minute details; one man does one thing, one another, and another another, so that there may be, perhaps, ten, fifteen or twenty go to work upon a dish before it is turned out complete. Now as it is necessary in the division of labor that each one of those should be confined to a particular small detail of work, if that is all he has to do through life, if he has to spend his days in that and his nights in sleep, why Mr. Mallock's question whether life is worth living would be easily answered in the negative. [Laughter and cheers.] I don't think Mr. Mayor would consent to live an existence like that very long; he would wish to be gathered to his fathers, if that was all there was. [Laughter.] And so I say give those who are to be your future artisans, future foremen, future managers, all the bases for success in life, for enjoyment of life, for usefulness in life that you possibly can, by securing as rich and full an elementary education as it is possible for you

to give them. [Cheers.] I understand that is the object of the whole school system of England—the primary, the secondary education, and this technical education—it is to make up for what in old times was given to the growing boy and man by the apprenticeship system, where every man learned the whole of his trade. Nobody now—except foremen and managers—[laughter]—learns the whole of any trade, and the way in which they can learn them under the present system is in such schools and institutions as you have the great good fortune to have had opened for you to-day. [Cheers.] I wish it all success. I don't believe you have failed to follow out in its construction and its equipment the latest improvements, the latest ideas, prevailing either in America or on the Continent, or in the United Kingdom; and I must congratulate you upon one thing, the name you have given it. [Cheers.] The Sutherland Institute will inspire you always with the ambition, the earnest and never failing desire to make it worthy of the name. [Cheers.]"

He was generous to the Institute for at the succeeding banquet in the evening he again spoke. He said:

"Mr. Mayor, your Grace and Gentlemen of Longton:—I thank you for listening to this our National Anthem and for applauding it to the echo with such cordiality. ["Hear! Hear!"] The Anglo-Saxon race is so thoroughly able to take care

of itself against all comers—[cheers]—on every land and on every sea, that I will ask your indulgence while I touch upon one or two other topics before paying my respects to it. When I received the very cordial and hospitable invitation of your distinguished Mayor to attend this banquet, I was so pressed with engagements that I had the folly and the temerity to decline. But he handed me over to his Grace the Duke of Sutherland—[cheers]—who proved himself to be the most consummate artisan in all Staffordshire. [Laughter.] In his hands, I was like clay—[laughter]—and he shaped me to his own will and his own purposes according to the fashion of the members of this banquet. [Laughter.] Now, I want to say a word about potteries and potters. I cannot keep my mind off that pressing and urgent subject. When I consider the antiquity of your craft—for I assume, Mr. Chairman, that the craft fills all these tables—when I consider the antiquity of your craft, and that its products mark the whole history of the human race from the beginning in Egypt, four thousand years before the Christian era, skillful, artistic, distinguished potters were there. In the remote civilization of Babylon and of Nineveh the work of their hands reveals the civilization that then reigned. On the Continent of North America, the work of the North American Indians—who are all of your craft—underlying the soil of all the States, reappears from time to time to tell the measure of their culture and their progress. ["Hear!

Hear!"] When I reflect upon the immense utility of your craft, how all the sons and daughters of men are daily dependent upon the fruits of your labors—go where you will, in every Continent, you will find the products of these very potteries that form these chains of rival and friendly townships and factories in Staffordshire—[cheers]—when I consider that wealth and prosperity and culture have attended as the legitimate result of your labors, it seems to me that you must be almost beside yourselves with pride in your calling and in your success. [Laughter and cheers.] And my only wonder is that you do not daily fall into the error of the misguided Methodist minister who made the mistake in addressing the Throne of Grace, when he said, 'Oh, Lord, we remember that Thou art the clay and we are the potters.' [Laughter.] I want to say a word about this town of Longton, the hospitalities of whose chief magistrate we are enjoying to-night. The town system lies at the foundation of all the liberties of America. I believe the town system of England is the source from which we got it, and that is the nursery of liberty and of knowledge of public affairs throughout all the realms of the kingdom. ["Hear! Hear!"] In the brief service that I have already had in this country, I have been struck with admiration at the excellence of your public service. It does seem as we look upon the holders of great offices—yes, of great offices—and small offices connected with the National Government, that merit

and fitness are the recognized and requisite qualifications for office. [Cheers.] And I have found to-day what I might have been prepared to expect, that that excellence of public service in national affairs extends also to affairs municipal; and I do not know where a more worthy and striking instance of its perfection can be found than in that distinguished gentleman whose hospitalities we are all enjoying to-night. [Cheers.] It seems he has filled the office of Mayor of Longton in all these years not for any political advancement of himself, or anybody else, nor for any personal gain or benefit that may accrue to himself, but solely for the good and benefit of his fellow-citizens over whom he presides. [Cheers.] With his self-denial, self-sacrifice, and absolute devotion he gave himself up to the work that was consummated to-day, and has conferred upon this city, in return for the honor it has conferred upon him, a benefit which will last for all coming time. [Cheers.] For it seems to-day, from the spirit I saw manifested this afternoon and here to-night, that Longton has been born again. [Laughter and Cheers.] It takes a great step forward in culture, in prosperity and in its recognized devotion to science and art. I think the day will be a memorable one—long looked back upon by those surviving it, and those who come after them, as a veritable step forward in its striking municipal career. And now a word or two about the Anglo-Saxons. [Laughter and cheers.] I shan't say very much about them, because my friend Mr. Smalley

knows a great deal more of them, and is following in my footsteps. [Cries of "Go on."] Now the pure and simple Anglo-Saxon race is, as a matter of history, somewhat remote possibly. Features of it survive. Its grand impelling power survives. [Cheers.] Its devotion to justice and freedom and civilization survive. ["Hear! Hear!"] But the Anglo-Saxon race has been a little diluted; it has been a little mixed. Didn't the Danes come and leave their mark in these Islands? [Laughter.] And did not the Normans come, and for a little while, for a few centuries, appear to get the better of the Anglo-Saxons? Now here is his Grace the Duke of Sutherland—[cheers]—posing as an Anglo-Saxon. [Laughter.] I don't know, but if we had a skillful analysis of his blood, if Pasteur or some equally skillful scientist could draw some of that rich liquid blood from his veins, and examine it, they would find a little of the Anglo-Saxon, a good deal of Scotch—[laughter]—some Norman, and what part of it would be finally eliminated and set aside as pure Anglo-Saxon liquid, I for one cannot guess, and I do not believe he can. Why, I saw at Trentham to-day a huge volume of the Sutherland pedigree. It would require a careful reading of all its pages in the light of history, geography and family life. Well, now, when you come upon our side of the water there is a still more modern blend. We get the Anglo-Saxon once or twice removed, all mingling with the Danes and Normans—then what took place? Why, there flowed into our national veins copious streams

of rich blood from other nations of Europe. First came the Huguenots—[cheers]—refugees for liberty—[cheers]—and their strain was mingled with ours. ["Hear! Hear!"] Then came the Irish —[cheers]—bringing in a rich vein of addition to our blood, rendering great service on many fields, and in many successive generations. The Scotch came away back with William Penn, and afterwards. They occupied whole counties and their generous blood entered in to make our composition. And then the German came, a most copious tide of kindred blood, and that has mingled in our veins. And since then all the Scandinavian regions, and Italy, finally, have sent rich contributions. Now, then, what is the result? Why a new man has been created. He fills with seething masses of population all the region that lies between the Alleghanies and the Rocky Mountains. He rules America. He is not an Englishman, nor a Scotchman, nor an Irishman, nor an imitation of any of those nations of Europe; but he combines them all. [Cheers.] And in the composition it is a new and perfect blend. What will come of it time will only show. I can speak for his indomitable will to maintain liberty—["hear! hear"]—and his high resolve that that liberty shall always be protected by law. [Cheers.] Now, then, we are under divers obligations by this kinship which we bear not only to England, not only to Scotland and Ireland, and to Germany, but to all those nations of which we are in part made up. And if I understand rightly the will and purpose

of the American people it is to maintain peace and friendship with all, so long as it can be possibly done with honor. [Loud cheers.] Of you we feel sure. [Loud cheers.] Of the others we feel sure. ["Hear! Hear!"] For eighty-five years we have settled all our controversies with you, with peace and honor; and, if I rightly recollect, we have not had a quarrel that required resort to force with any of the others. Well, what do you see? It is not exactly an Anglo-Saxon race. I prefer the other form, in which his Grace has expressed it—the English-speaking peoples. [Loud cheers.] I think the English-speaking people, scattered on all the continents, and all the islands of the sea, has achieved, and is daily achieving wonders for civilization. It seems to me to have borne in mind more thoroughly and directly than any other people the injunction that was first laid upon mankind: "Be fruitful and multiply, and replenish the earth, and subdue it: and have dominion over the fish of the sea, and over the fowl of the air, and all the cattle, and over all the earth, and over every creeping thing that creepeth upon the earth." [Much laughter.] And so I say, as a concluding sentiment on behalf of these English-speaking peoples throughout the world, wherever they have dominion, under whichever flag, may they be true to their responsibilities and maintain always honor, justice, civilization, and liberty." [Loud cheers.]

At a large banquet in aid of the Actors Fund Mr. Choate was called on to propose a toast to

"The Drama" which he did as follows. He said:

He had to thank them for this generous greeting, though he must confess that he should have preferred to accept their hospitality in silence; but the inexorable commands of the chairman had laid upon him the somewhat onerous duty of proposing the time-honored toast of "The Drama." It had, it seemed, been proposed at forty-three previous dinners to the institution, although he had had no part in it. He had been studying the great national institution in England of the dinner for charitable purposes, and studying it with great interest. It was something entirely unknown upon the other side of the water. They had charities enough there; but this way of promoting charities had never occurred to them. He had tried to extort from the Chairman the reason why the dinner was resorted to for the purpose of charity. An old philosopher, discussing the question as to what part of the human organism the soul was placed in, noticed the theory of its seat being the stomach. Promoters of charitable dinners might probably, in that way, eat themselves into the pockets of their guests, and wash out the contents thereof with copious draughts of wine. It was a practice which he proposed, when he returned to his native country, to introduce there. The result, he was perfectly sure, would be that these charitable dinners would there be multiplied as they seemed to be here, so as to be held every night in

the year. With regard to the immediate subject of his toast, he had never been connected with the drama except in one capacity, and that was as one of the audience. That, in one respect, was perhaps the most important part of the drama; for what became of playwrights, actors, scene-shifters, ballet dancers and all the rest if there was no audience? For many years past American actors and actresses had done much to ennoble their calling, and when they had come to England they had been received with enthusiasm. It was Charlotte Cushman who said: "To me it seems that when God conceived the world, that was poetry. He formed it, and that was sculpture. He colored it—that was painting. He peopled it with living beings—that was the Grand Divine Eternal Drama." Of late years America had been visited by dramatic performers from all parts of the world, and, besides receiving a most cordial and hearty welcome, they carried away with them, if statistics were to be believed, vast hoards of treasure; but much as they carried away, they left behind them a great deal more than they expected, for they magnified their calling, and let the American people learn from their acting, singing and dancing what was the highest art that could be attained to on the dramatic side of life. Only in the last twenty-four hours Englishmen, and the friends of Englishmen everywhere, had had their hearts touched and fused together with a spirit of broad and generous enthusiasm, such as the world has seldom witnessed; and when they found that the Sov-

ereign who had mastered the affections of mankind was the chief subscriber to this charity, they could not, as Englishmen, fail to follow in her footsteps. If they went back to the days of that wonderful agency which electrified London, and the whole English-speaking world that came within the power of his voice, it might be said that David Garrick placed the stage of England upon a prominence which it had hardly been able to attain to since. The century had been dotted along its course with great and illustrious names—such as Siddons, Kemble, Kean and Macready—and it might be said that during the last twenty-five years the stage had reached a point of greater utility and influence than it had ever occupied before. This was owing, he believed, to the fact that it had been brought into closer union with the great body of the people both in England and America. What years ago was enjoyed by dukes and nobles had now become the property of the whole people. When Sir Henry Irving, whom both nations undoubtedly looked upon as the leading representative of the drama and the stage, played at the Lyceum, he played not merely to the boxes and stalls and the galleries, but he played to all London and all the world, and one of the great measures of happiness was that, when Sir Henry became a little tired of London, he went to America, and left behind him marks of his enlightenment and education and refinement. He was very strongly attracted to that dinner by the fact that Lord Dartmouth was to occupy the chair. The name of Dart-

mouth had been a favorite and a loved one for many generations in America. It was his lordship's ancestor that, as Secretary for the Colonies—long before the unhappy differences which parted England and America—showed himself to be a true friend of liberty and justice, and he never lost the confidence of the American people. It was he who founded Dartmouth College, one of the most interesting educational institutions in America, and when his picture was on its way from London to Dartmouth College, the walls of which it was intended to adorn, the citizens of New York obtained possession of the portrait, and placed it between those of Washington and Benjamin Franklin in the City Hall. Great responsibility rested upon actors and dramatists, and he was glad to be able to feel that they fully realized it. They were engaged in an honorable calling, for in showing how the passions of the human mind could be most nobly expressed, they were both educating and refining the mind of both nations. Now, with regard to that fund, was it possible for anyone to hesitate to do something for it? What more unhappy being could there be than the decayed actor? Most of them had heard the story told about Grimaldi, the famous clown, who was the victim of severe nervous prostration, and went to see Dr. Abernethy. The latter said his patient wanted amusement, and added "Go and see Grimaldi." The clown turned to the doctor in deeper distress than ever, and exclaimed, "I am Grimaldi!" Those aged, worn-out actors, who had had their

day on the stage, appealed as much as any class that could be mentioned not only to the generosity and charity but to the gratitude of their fellowmen. He would therefore urge, as earnestly as he possibly could, everyone who had the means in his power, to contribute to this noble Fund. He, however, bore in mind the rule they had established in America, that short speeches were the best, but whether that applied to Ambassadors or not he could not say. He should now resume his seat, having discharged the very pleasant duty which had been imposed upon him, coupling with the toast the name of one of the most earnest friends and advocates of the stage in England, and one who had justly received, as he deserved, the plaudits of everyone interested in this great profession—he meant Mr. Comyns Carr.

On July 5, 1900, the American Society in London celebrated "Independence Day" with a banquet, at which Sir Henry Campbell-Bannerman proposed a toast to the health of "His Excellency the American Ambassador." Mr. Choate in reply said:

"I have been long enough in England to find that Englishmen never spared an American's blushes. [Laughter.] Was this, he asked, the Fourth of July? Was this the spirit of 1776? ["No, no."] In the heart of the British Empire, from which the edict went forth for the subjugation and destruction of the Americans, were they really celebrating that declaration which stripped Great Britain of her

richest Colonies, and declared them henceforth to be for ever free and independent States? Were they aided in that celebration by such an array of distinguished Englishmen who sat at that table? What would George IV. and Lord North say—[loud cheers and laughter]—if they found the Commander-in-Chief of the British Army and the heads of the Church and State, and Bench, and all the great professions, applauding that declaration and celebrating that day? [Laughter.] When he saw what a predicament they were in that night with their English visitors, he was satisfied that the day they celebrated was no longer merely a national, but had become an international, holiday. [Loud cheers.]

"Instead of being any longer a mere American festival, it had become, as it ought always to be in the future, an Anglo-American festival. [Loud cheers.] Was it not plain that the time had come when the two great nations, upon which Providence seemed to have cast so vast a share of responsibility for the future, were to be friends not only for their own sakes, but for the sakes of all mankind? [Cheers.] They called it the American Revolution which the day they celebrated ushered in, but it had brought about an English Revolution, too. The stone which the builders rejected had become the head of the corner—[laughter and applause]—and their old friends, Burke, Chatham and Fox to-day dictated the policy of the British Empire, as they always expected they would. Their quarrel never had been with the great body of the British people.

[Cheers.] If the hearts of the British people had been in it, they would not have sent over foreign mercenaries in a vain attempt at subjugation, but the best blood of England, in all ranks of its great life, would have rallied against the Americans in the spirit in which they knew how well they would rally in a cause that appealed to their hearts. [Loud cheers.] It had been well said by a great writer that Ambassadors were the eye and ear, but not the tongue of the State which sent them forth, and, therefore, he would do no more than express the gratitude of all his countrymen for the cordial, he might say overwhelming, hospitality which was always lavished upon them whenever they appeared upon the shores of England. How the tables had been turned. If in the last quarter of the eighteenth century 30,000 Englishmen invaded America, America in 1900 was sending 100,000 to invade England, and to take London by storm." [Loud laughter.]

At the Ancient Cutlers' Feast in Sheffield allusion had evidently been made to an American invasion of England—that annual "invasion" by the hosts of Americans visiting her shores. To this Mr. Choate refers and, in his happiest vein, makes it apparent that Sheffield furnishes the "union of steel, the iron-clad union" that binds the two countries together. Replying to a toast in his honor, proposed by Mr. Balfour, he said:

"I really do not see that there is any occasion for me to say anything. [Laughter.] Mr. Balfour

has made my speech. He has demonstrated, at any rate, that I do not present myself before you as an American invader. [Laughter.] He has dissipated as a delusion and a dream this idea that has been hovering over the British Islands for the last six months—that there was any such a thing, in any hostile sense, as an American invasion. ["Hear! Hear!"] My predecessors have been the welcome guests of England ever since you first recognized the independence of the United States. [Cheers.] Our business is to uphold American interests, and, at the same time, do all that in us lies to promote friendly and cordial relations between the Governments and the people of the two countries. [Cheers.] Judge you to-night how happy and cordial those relations have, at last, come to be. ["Hear! Hear!"] American Ministers and Ambassadors have frequently attended this ancient Cutlers' Feast, and they have carried home to their country the most delightful recollections and associations of it, and I should have been guilty, not merely of neglect of duty, but of missing an opportunity—a delightful opportunity—for a good time, if I had failed to accept the invitation that the Master Cutler extended to me. [Cheers.] He would be a bold American who at this moment could think of approaching Sheffield with any hostile view. [Laughter.] To-day you have made Lord Kitchener a freeman of this great city, and have thereby thrown upon him the responsibility of defending it at all hazards, and against all comers. By that simple and graceful act,

which we all witnessed, you have more than doubled the fortifications of Sheffield. [Laughter.] Yes, you have thrown about it an ideal, but none the less impregnable, cordon of blockhouses and barbed wire, which he would, indeed, be a reckless American that would endeavor to throw himself against. [Laughter and cheers.] But Lord Kitchener is not your only defender. Here, sitting upon my right, is the hereditary Earl Marshal of Great Britain. [Cheers.] It is his pleasant and dignified duty, in correlation to the labors of Lord Kitchener, to marshal, in peaceful times, the forces of His Majesty. On all historic occasions he is the master of the situation. In every such case it is for him to say who shall come in, and who shall stay out. I appreciate his devotion to Sheffield, and I know the enthusiasm of Sheffield for him—[cheers]—and I am sure he never would consent to admit we are here to-night with any hostile purpose. [Laughter.]

"But you have other defenders, more potent than Lord Kitchener, and more persuasive than the Earl Marshal—I mean the presence of the better halves, the better-half, the best part of all Sheffield, that occupies the gallery. [Laughter.] You will agree with me that they would disarm any invader—[laughter]—and would bring a man to his knees at their feet. Why it is that they are relegated to the galleries I have not yet been able to discover, unless it be that we may always continue to look up to those from whom we derive our chief strength and inspiration. [Cheers.] I believe there is an his-

toric reason for their being relegated to those distant seats, instead of occupying alternate places at these tables. I have found that it is a perfectly sound and unanswerable English argument that a thing shall be done because it has always been done —[laughter]—and that a thing shall not be done because it has never been done. [Renewed laughter.] Now, historically, it seems to me that the situation is clear. When this first Cutlers' Feast was held in 1624 there were nothing but apprentices. They had no wives. [Laughter.] No ladies. In 1724 they had not yet risen to the appreciation of their true position. In 1824 they were sleeping upon their rights, and it is not for us to inquire too critically how they appeared on that occasion. And when another century has completed its course in 1924, the world is advancing so steadily, enfranchisement of all mankind is being so perfectly accomplished, they will occupy their proper place on the 400th anniversary of this company.

"I have come here to-night as the legitimate representative of your best customers and your nearest relations. [Cheers.] Sheffield and the United States have been bound together for more than half a century literally by links of steel, and they are more closely united now than they ever have been before. [Cheers.] In fact, the name of Sheffield is a household word in America, and has been for many generations. It is significant of absolute good faith, and is a synonym in America always for the genuine article. [Cheers.] Let me give you

an illustration. Half a century ago the American boy thought he was in luck who carried in his pocket a knife on which was stamped the name of Joseph Rodgers and Sons, Sheffield. [Cheers.] They knew that they had got the best that could be had the world over, and if there is any representative of that ancient house present at this table I desire to thank him, in the name of the American boys of my generation, for the splendid service the firm rendered them. And so it has been from that day to this, and the constant and increasing trade between Sheffield and the United States is but confirming the good relations that ought to exist, and do exist, between these two kindred nations. Now, you all know very well that 'soft words butter no parsnips.' Mr. Balfour did not introduce any soft words into his speech that he made for me. [Laughter.] Mere expressions of friendly sentiment may wither with the first breath of hostility. Actions speak a great deal louder than words, and it is the actions represented in the continued business, the continued contracts, the mutual interest that are made the subject of daily dealing between the people of the United Kingdom and the people of the United States, that are binding us constantly and more closely together. The tie that binds us to Sheffield, this link of steel, this iron-clad union, is only one strand in the great network of mutual interest, of faithful contract, of reciprocal benefits, which is connecting to-day every part of the United States with every part of the United Kingdom. We have heard a great deal about

the dangers of competition. Mr. Balfour has dissipated all that idea. I agree with him that the dangers of competition are of but little account. I was reading to-day the annual book of one of the great houses of Sheffield, and they gave a theory of competition which explains the whole situation. They said they were not afraid of American competition, and they gave the best reason in the world for it, namely, that they were able to furnish the best goods at the lowest price. [Laughter.] And if Jessop and Company can do that—[laughter and cheers]—why, they are welcome to all the markets that we can open to them, for, according to my judgment, that is the true solution of the whole problem of competition, that the firm or the combination, or the nation, that can furnish the best goods at the lowest prices will lead in every market of the world, and ought to.

"Gentlemen, I had a good deal more that I wanted to say, but at this late hour I do not propose to trespass further upon your attention. ["Go on."] I was put on guard by the Master Cutler before I left London, and after arriving at his house, that there was danger of the Cutlers' Feast being stifled by too much talk—[laughter]—and he allotted fifteen minutes as the outside time for the limits of any speech. Now, I gave a good deal of my time to Mr. Balfour. [Loud laughter.] You saw how much he needed it, and how well he improved it. [Laughter.] And, as I cannot hope to add anything that will put you in better humor than he has put you,

I will take my seat, thanking you most sincerely for the cordial manner in which you have received the reference to my country, in which you have received my humble self—[cheers]—and the very trifling words which I have had the privilege of addressing to you. Let me close—I can only close—by repeating the very observation with which Mr. Balfour concluded his speech, that after all that can be said in the way of sentiment, all that can be manifested in the way of affection, after all, community of interest is the tie that has bound these two great peoples together for the last hundred years, and, as I hope, will continue to bind them together for the next thousand years. [Cheers.] I am sure that the echoes of this meeting will cross the Atlantic—I think they have already crossed the Atlantic—[laughter]—and while they will not dispel any fears, because there are no fears there to dispel, they will carry a pleasant conviction with them that, after all that has been surmised and guessed, and falsely surmised and guessed, what has been said sometimes to be a threat of rupture between the two countries is really likely to make them better friends than ever." [Cheers.]

At the annual Lord Mayor's banquet, at the Mansion House, on November 10, 1900, Mr. Choate was selected to respond to a toast to the "foreign representatives," and he proceeded to set forth, historically, how that celebrated street—Downing Street—where the Foreign Office is located, which

so often echoes to the tread of diplomats from all quarters of the globe, was really an American street, deriving its name from that George Downing who dwelt in Massachusetts, and was a pupil in the first school organized in Massachusetts, and graduated from Harvard in its first class, in 1642. He said:

"I esteem very highly the honor which has been assigned to me, most unexpectedly, of responding to this toast in behalf of the representatives of all the nations of the earth. Before I proceed with that subject, I must express my gratitude to the Lord Mayor, and especially the Prime Minister, for the sympathetic, the earnest, the generous manner in which they have spoken of the United States. Lord Salisbury has stated with such truth and simplicity and earnestness the result of the great event that has taken place there, that I shall not ask a moment of your time to discuss the subject. I must congratulate him, however, that this incursion of his into the broad arena of American politics was made after the election and not before, for if he had had to champion the cause of the President on American soil, I am afraid that even his great powers would hardly have been equal to the task. [Laughter.] I will ask him how he would like to have traveled 25,000 miles in sixty days, to have made 450 speeches ranging from five to thirty a day before audiences out of doors and indoors ranging from five to fifty thousand? [Laughter.] I say no more than what

every man of sense on either side of the water knows, when I say that those two great peoples do most sincerely value the friendship, the sympathy and the good opinion of the other; and will you allow me to dismiss the subject by expressing my belief that so long as President McKinley and Lord Salisbury continue to hold in their hands the reins of Government which have been recently recommitted to them both [cheers] by those two great peoples, there is no danger of any disturbances of the honorable and friendly relations between them which now exist. [Cheers.] I hardly know to what I am to attribute the honor of being selected to speak for all the foreign representatives. There are many of them that have been here much longer than I, whose faces are much more familiar to you. Probably I owe it to the fact that I am the only Ambassador present, possibly to the more significant fact that perhaps I know more about Downing Street, whose pavement we tread every week in our visits to her Majesty's Minister for Foreign Affairs, than any one of them. The truth is that Downing Street, if it may be called a street at all—which I somewhat doubt—is altogether an American street, and, however the representatives of other nations may feel, we are entirely at home there. [Laughter and cheers.] I will show you how it is an American street, and how it derives its origin and its history from the earliest periods of the English colonies in America. I doubt whether many within sound of my voice know why it is called Downing Street.

Now, at the school which I had the good fortune to attend, I am afraid to say how many years ago, in Massachusetts—the best colony that was ever planted under the English flag, and planted in the best way, because you drove them out to shift for themselves—at that school, over the archway of entrance, there were inscribed the words *Schola publica prima*—the first school organized in Massachusetts—and underneath was inscribed the name of George Downing, the first pupil of that school. Then in Harvard College we find him, a graduate of that institution in the first year that it sent any youths into the world, the year 1642. He soon found his way to England. He became the chaplain of Colonel Oakey's army under Cromwell, and he soon began to display the most extraordinary faculties in the art of diplomacy of any man of his day. It was the old diplomacy. [Laughter.] It was not anything like the new diplomacy that Lord Salisbury and the Foreign Ministers here present practice. It was the old kind. Downing developed a wonderful mastery of the art of hoodwinking, in which that kind of diplomacy chiefly consisted. In the first place he hoodwinked Cromwell himself, which showed he was a very astute young man [laughter], and persuaded him to send him as Ambassador to The Hague. Well, after the Protector died, he tried his arts upon the Rump, and he hoodwinked the Rump, and they reappointed him Ambassador to The Hague. And when the restoration came, he practiced his wily arts upon the merry Monarch,

and induced him to send him again as Ambassador to The Hague. Three great triumphs in diplomacy —all by one man. In those days, when the King shuffled his cards—and I believe he shuffled them very often—changes of office took place as if by magic, and he who had been in the Foreign Office was transferred to the War Office, and he who had been in the Board of Works was transferred to the Home Office [laughter], with the same happy facility with which those changes now take place [laughter], by the mere nod of the Prime Minister. [Laughter.] Downing seems to have had opportunities which none of her Majesty's present Ministers enjoy—he made lots of money, and, finally, he induced the merry Monarch to grant him a great tract of land at Westminister provided—or so the grant ran—that the houses to be built upon the premises so near to the Royal Palace, shall be handsome and graceful. If you will stand at the mouth —shall I call it the mouth?—of Downing Street, and gaze across the way to Whitehall, where Charles in his merry moods was always banqueting and looking out of the window, you will appreciate the reason of this proviso. So he built him a house, possibly in Whitehall, and he built more mansions between there and Westminster Abbey, and the old annals of the time describe those houses as "pleasant mansions," having a back front upon St. James's Park—the exact description of the Foreign Office to-day. For it also has a back fronting on St. James's Park, and really it is the most important

side, because that is where her Majesty's Minister for Foreign Affairs always finds his way in and out, with a private key by the back front door. In the natural course of things Downing would have been haled to Tyburn and hanged by the neck until dead, but he won his way into the favor of King Charles, by claiming that the king must forgive his past backslidings because of the vicious principles that he had sucked in in his early New England education. Finally he died, and by his will he devised his mansion and estates and farm at Westminster to his children, and now they are long since gone, leaving no rack behind except a little bit of ground 100 yards long and twenty yards wide, sometimes narrowing to ten, which bears still his illustrious name. It is the smallest, and at the same time the greatest, street in the world, because it lies at the hub of the gigantic wheel which encircles the globe under the name of the British Empire. It is all American. I have shown you why it is called Downing Street. But why, Lord Salisbury, is it called a street? I have always thought that a street was a way through from one place to some other place. This does not come within that definition. I have heard it called a *cul de sac*—that has no outlet, except at one end—a place where you can get in but cannot get out. How, however, other nations may find it, we Americans, by reason of our prescriptive rights in the premises, find it to be a thoroughfare. [Laughter.] We feel entirely at home in it. Our feet are on our native heath. We can

"I do Enjoy the Society of Lions. I'm Something of a Lion Myself"

go in and go out, and give and take on equal terms. And now I will conclude with one word, perhaps it is the only proper word I ought to have said. On behalf of the entire Diplomatic Corps, whom I am happy here to represent, words would fail me to express the delight which we have found up to this hour in our intercourse with Lord Salisbury, and the very great regret we feel that we shall see his face in the Foreign Office no more. I hope, in his higher and grander station, he will not wholly ignore us. I hope he will rather imitate the example of the retired tallowchandler who, parting with a great business which he had followed with eminent success and with great personal delight, wiped his eyes as he was leaving the premises and promised that on melting days he would, in spirit, always be ready to be with them. [Laughter.] I believe—I know—that a good deal of the friendly relations which exist between all the great nations of the earth that are represented at this Court of Great Britain, and the preservation of the peace of the world, have in large measure depended upon the just and fair spirit, the patience and the forbearance, the hearty good-will and the fairness which he has manifested towards us, and his considerate regard for the rights of all other nations, while maintaining with the utmost tenacity and stoutness the rights of his own." [Cheers.]

One of the most significant of the many honors bestowed on Mr. Choate was that conferred by

Scotchmen who, on March 22, 1904, presented him with the Freedom of Edinburgh. This was, indeed, a high tribute to his personal worth, and the clearest evidence of respect and regard. Nothing could be more felicitous and, indeed, unusual in character, because of its somewhat jocular and familiar tone, than his delightful speech of acceptance. It was in striking contrast with the stilted, and often pompous, expressions of the conventional acknowledgment of this honor.

"My Lord Provost, my Lords, Ladies and Gentlemen:—How can I find any words in which fitly to reply to the address of welcome, I might well say of adulation, with which the Lord Provost has presented me to you? I would put aside all his personal allusions, because, after all, I cannot but recognize and feel from the bottom of my heart that this is not so much a personal tribute as a demonstration of the affection and respect which the people of Edinburgh feel, and which its Government, as representing them feel, for the great Republic which I have for the moment the honor to represent. [Applause.] Sir, as you have said, in what I feel to be too flattering language, what you think of me, I should like to say in literal truth what I think of Edinburgh. [Laughter and applause.] But it would be impossible to add to the praises which poets, historians, orators, philosophers have lavished upon this ancient and illustrious city now for many ages. If cities are to be measured, like stars,

by the light they give, then this splendid city of yours must ever hold a place of the very first magnitude. Astronomers tell us, in respect to fixed stars, and all other stars, that the light that comes to us from some of them has been on its way for hundreds, for thousands, for tens of thousands of years. I find it very hard to believe it, but it is absolutely mathematical truth. [Laughter.] So, they say, if a star were extinguished and blotted out, if it ceased entirely to be, and emitted no light for the future, the world would still be enlightened by the rays it has already shed for these hundreds and thousands of years. And so I believe it would be with Edinburgh. If the city, its buildings, its galleries, its museums, its monuments were swallowed up by the sea, or if an earthquake should absorb your famous Capitol hill, if Arthur's Seat itself should disappear, the light that has already been shed by Edinburgh upon the world would go traveling and enlightening future ages, so that this city would be as familiar to them a thousand years hence as it is to the people of the world to-day. [Applause.] To a young American, Edinburgh is always familiar long before he crosses the Atlantic. What your historians and orators and poets and philosophers, and masters of England have said about her in the last hundred or two hundred years, has been drunk in by the children, the boys and the girls, and the men and the women of America; and the poems of Burns and of Scott—[applause]—and Scott's masterly fictions, have shed light and luster upon the history

and the traditions and the life of this ancient city, which have been deeply impressed upon the hearts of all Americans, so that their footsteps turn almost uniformly to Edinburgh when they touch the British Islands—they cannot leave them without seeing Edinburgh, and as much of the rest of Scotland as it is possible for them to do. [Applause.] Judging from my own experience, when they reach this capital they find the city far more beautiful than is to be found in the whole American Continent, and, so far as I have explored other Continents, not rivaled or excelled by any in them. [Applause.]

"You have spoken, sir, of the sympathy and fellow feeling that exists between the two countries. I believe it is because they rest for their foundation upon principles and interests equally dear to both, and which lie at the very root of civilization in England, in Scotland, and in the United States. I have heard an eminent divine, within a very few hours, say that religion and liberty were the great interests of Scotland, and I have heard another add to it that the staple everyday interest of Scotland is education. Now, in these three interests, in these three principles, lie the foundation of the United States of America, as well as of the kingdom of Great Britain. The men who listened to the preaching of John Knox, those who hung upon the lips of Hugh Latimer in London, were very near of kith and kin to the pilgrim fathers who landed at Plymouth and to the Puritans that followed them. [Applause.] Education was their first enterprise,

but it was for the purpose of maintaining and establishing the religion which they carried with them—["hear! hear!"]—and, as their first thought, when they had found shelter for themselves in the wilderness was to establish a common school for their children, from that day to this they have cultivated that as the essential foundation upon which both their religion and their liberties depend. And now, you behold a great nation, with fifteen millions of children in its public schools and academies, all entitled to, and receiving, an education at the expense of the State up to the point where each boy and each girl is able to take care of itself. And my impression is that the same enthusiasm, the same zeal for education exists in Scotland, and especially in the city of Edinburgh. I have been a great deal in Scotland, in the last five years of my life in Great Britain, and I have been always impressed with the similarity of character and conduct between the people of this ancient Kingdom and the people of my own native New England. The same habits of life, the same principles of honor, of frugality, of industry, pervade both these peoples. And what have they not accomplished for my own beloved country? In every great and good work that has been carried on there, the hand of those founders, the influence that they exerted, the power that they put forth—call it Puritan if you will, call it what you will—the power of religion, of justice and of education has gone before them, and has reached from the Atlantic to the Pacific and converted the

whole nation into one land of comfort, of plenty and of dignity. [Loud applause.]

"I am sorry that the Lord Provost has ended his remarks without instructing me upon the duties and the responsibilities that have been conferred upon me by this ticket, this certificate which this beautiful casket incloses. I really hardly know whether my duties as the youngest burgess of the city of Edinburgh begin now and continue during the rest of my life, or whether they are curtailed and limited by the hours of this setting sun. I suppose that if Edinburgh should be invaded by foreign Powers, I should be subject to be called into its service to defend its walls—["hear, hear," and laughter]—or to be one of those men that make the walls of a city like this, and I am sure I should respond very gladly to the call. [Applause.] If, sir, by virtue of this appointment, and the privileges it has conferred upon me, I might aspire some day to wear these robes [turning to the Lord Provost], I am sure you would not be quite so ready to confer this distinction upon strangers and especially upon an American, as you know how inquisitive and acquisitive Americans are. [Laughter.] I am sure you would not have conferred it with such grace and facility if you had suspected that I cherish an ambition like that. [Laughter.] But, sir, I know of no greater honor in Edinburgh. The Lord Provost represents the entire city ["hear, hear"] —and if, from becoming a burgess, I could rise through these ranks of ermine and of scarlet—

[laughter]—to the place you, my Lord Provost, occupy, I should consider that this certificate had not been conferred in vain. [Laughter.] Well, then, I belong to the ancient and honored profession of the law, and I understand that its advocates enjoy priceless privileges in this ancient city—wealth, honor, applause, and, above all, leisure—[laughter]—the most priceless blessing of all—[laughter]—and nothing would more delight me when discharged from the arduous duties of an Ambassador than to come and settle in this city to which I now belong—[applause]—to take my place at her ancient Bar—not with the idea of supplanting any of her eminent judges, for I believe I have already passed the allotted age for that—but at the Bar I should like to try for twenty or thirty years—[laughter]—what could be done in competition with those gentlemen I have had the pleasure of meeting within the last week. I believe there is a freemasonry in that profession, but surely this certificate in that silver casket in that velvet box would carry me over all barriers. [Laughter and applause.] I asked the Lord Provost how long I should speak; I asked him what I should speak about. He answered both questions by telling me I might speak "about fifteen minutes." I have fulfilled that service. I have spoken to you seriously of my immense appreciation of this compliment which has been done me. When I recall the names of the burgesses who have signed this roll before me, when I remember that of all my

countrymen, of eighty millions of people, only one has enjoyed this honor before me, and that General Grant—Ulysses S. Grant, "Unconditional Surrender" Grant, who saved his country in the most trying crisis that has come upon it since the foundation of the Republic—I am overwhelmed with a sense of my own unworthiness to follow in his steps, and to find a place upon that roll. How shall I show my fitness, my Lord Provost, for the honor conferred upon me? I think I can best do it when I leave this Council Chamber, sacred in the annals of the civil history of Edinburgh, with this casket under my arm; and when I am recalled by my grateful or ungrateful country, I shall appear among my own fellow-citizens with it under my arm, and as I make a tour of the United States I shall sing the praises of Scotland, and of Edinburgh and its Lord Provost, wherever I go." [Loud applause.]

On June 13, 1901, Sir John Tenniel, the famous *Punch* cartoonist, was honored by individuals distinguished in Literature and Art with a public dinner to celebrate his fiftieth anniversary on the staff of *Punch.* Mr. Augustine Birrell, the author of the charming essays published under the title *Obiter Dicta,* was one of those to be called on to respond to the toast to "Literature and Art." The toast was proposed by Mr. Choate in his most genial and characteristic way, rendering the task of those who were to follow him exceedingly difficult.

He said that Sir John Tenniel's modesty was only equaled by his merit [cheers], and the unutterable emotion which he had exhibited to them, he was sure, had appealed to their hearts much more effectively than if he could have spoken at learned length and lumbering sound. [Cheers.] He rose not to make a speech, but to provoke speeches from two other unfortunate gentlemen. [Laughter.] The pleasant duty had been intrusted to him of proposing the toast of art and literature, at whose common shrine Sir John Tenniel had spent the best energies of his life for the last fifty years, and whose devotees were equally his admirers the world over. [Cheers.] The toast of "Literature" would be responded to by Mr. Augustine Birrell, who professed to desire that whatever he might say might pass as mere *obiter dicta,* although his judgments on literature were always accepted as final. [Cheers and laughter.] They owed a debt of gratitude to Mr. Briton Riviere, the learned Academician, who would respond to "Art," for consenting at the last moment to take the place of the distinguished President of the Royal Academy, Sir E. Poynter, who was detained by illness. Now he might sit down, but he was unwilling to do so [cheers and laughter], for he wished to express in a few words his admiration for the genius of their distinguished guest, a genius which belonged to no single continent, and could be appropriated by no single nation. [Cheers.] Wherever the English language was spoken, wher-

ever men and women gathered together who were interested, either as friends or foes, in what was going on in England and the British Empire, the name of Sir John Tenniel was a household word and his work a cherished possession. [Cheers.] No wonder that there was to be found on the committee the names of so many of the leading statesmen, scholars, artists and gentlemen of England. Especially it was not to be wondered at that the statesmen bowed at his shrine, for had he not, for the last fifty years, been keeping a school for statesmen? [Laughter.] It was a school of morals, virtues, manners, discipline, politics and principle. He had heard of distinguished statesmen who never read the newspaper. [Mr. Balfour, amid laughter, expressed dissent.] Their learned chairman said that he had never heard of such a statesman. [Loud laughter.] When he said that, what a tribute he paid to the guest of the evening, and to the weekly journal in which his work had figured for the last fifty years! For now they saw where one who never read the daily journals gathered the inspiration, the knowledge, the sympathy, the information and the principles which enabled him not only to lead the House of Commons, but to lead victoriously the public opinion of England. [Cheers and laughter.] No daily journal might cross his threshold, but they knew now why he had an electric light at the head of his bed, what was the paper by which he put himself to sleep. [Laughter.] He really thought Sir John had not realized until he came

there how much he had been doing for England down to that day. [Cheers and laughter.] Let them think what he had done for the last fifty years. In those fifty volumes were contained the biography of the famous men in the world, and it was interesting to see how from decade to decade he had cultivated and developed the statesmen whom he had taken in hand in budding youth and led on to triumph and fame. It was said on good Biblical authority that the hairs of a statesman's head are all numbered. [Laughter.] Nobody knew it better than Sir John Tenniel, who took a blushing, rosy-cheeked ambitious youth by the hand when he got up to make his maiden speech in the House of Commons, and followed him from year to year, and decade to decade, so that by studying his successive sketches you might tell exactly how those numbered hairs had fallen away, and how the great dome of thought and experience and wisdom stood up to make up for the loss. [Cheers and laughter.] How much he had done for all the great men of England! The Chairman's great national poet had said—

> "Wad some power the giftie gie us
> To see oursels as ithers see us."

That was exactly the power that was his. He had enabled every great man of England, after he had achieved his task—perhaps it was a great speech, a great battle, or perhaps a great blunder [laugh-

ter]—to take up *Punch* and see himself exactly as others saw him. He had also taught the great men of England in the last half century that there was but one step from the sublime to the ridiculous. It was most interesting to judge Sir John's own career in his own published illustrations. Was he right in thinking that he discovered in them, in constantly increasing degree, a gentleness, kindness and tenderness from year to year, and generation to generation, exhibited by him in those wonderful pages? Was he right in believing that time, which had dealt so generously with him, had only mellowed and softened him, so that to-day, when he laid down his pencil, he was dreaded by none and absolutely and devotedly loved by all? Was he right also in thinking from the evidence of his hand that England herself had in the last half century mellowed with him, and that she had grown very much less alone and aloof than she appeared to the rest of the world half a century ago? It seemed to him that reflected from these cartoons in *Punch* there was exhibited a growing and always more cordial and amiable mood of England in her foreign relations as generation succeeded generation. [Cheers.] Could he doubt that that was exhibited particularly towards his own beloved country [renewed cheers], whose people were of one blood and stock with theirs? If there was any doubt of it he would refer to two of Sir John's illustrations, one in which he represented Britannia shedding penitential tears over the bloody corpse of Lincoln

[cheers], and again one in which she was bending in loving sympathy over the bier of the murdered Garfield. [Cheers.] He agreed with their Chairman that all their guest's work was not included within the covers of *Punch*. There was some that he was more fond of—namely, the illustrations of the works of Lewis Carroll, whom he had helped to make immortal. He believed that the illustrations to *Alice in Wonderland* and *Alice through the Looking Glass* were a sort of pastime to their guest, and that in them he was only studying character for the purpose more successfully of illustrating the characters and tendencies of public men. Take the white rabbit, for instance. [Laughter.] What statesman, scholar, poet or soldier of England had a fame equal to that which he had given to the white rabbit? And would it be possible to go through the House of Lords or the Senate of the United States without finding some reflection of that great character? [Laughter.] The gentlemen of England loved to sit upon benches great and small. What lessons did they not learn from the Caterpillar? [Laughter.] And then the Dodo, and the Mock Turtle, and the Cheshire Cat [laughter], and the Jabberwock. [Laughter.] They were reflected certainly in every Legislative Assembly where the English language was spoken, and traces of them were even to be found in the Courts of Justice. [Laughter.] And as to the March Hare. [Laughter.] He did not know whether they found more symptoms of him in the pulpit or at the Bar.

[Laughter.] The beauty of these books and of the illustrations was that everybody could find his own picture if he looked for it. [Laughter.] These animals had been made so human by the pen of Carroll and the pencil of Tenniel that they felt that they were the missing links between them and the inferior creation that they read of. [Laughter.] He was looking at *Alice through the Looking Glass* that afternoon, and found what he recognized as his own portrait painted by Tenniel. The description was of the condition of an Ambassador burdened by these great post-prandial functions. [Laughter.]

"'You are old,' said the youth, 'and your jaws are too
weak
For anything tougher than suet;
Yet you finished the goose, with the bones and the beak.
Pray, how did you manage to do it?'
"'In my youth,' said his father, 'I took to the law,
And argued each case with my wife,
And the muscular strength which it gave to my jaw
Has lasted the rest of my life.'"

[Loud laughter.]

The Royal Society is too august a body to be treated flippantly. The significant appendage F. R. S. to the name of an individual indicates attainment to no ordinary distinction in the ranks of scientists. The gatherings of the Society are characterized by deep seriousness and awesome dignity, and its proceedings are far removed from anything so undignified as to provoke a smile. It is not diffi-

cult to realize that under ordinary circumstances, at the annual dinner, the time-honored toast to the Society is proposed by a learned *savant* in impressive terms, extolling its discoveries in the past, and prophesying greater achievements in the future. But Mr. Choate, not being a *savant,* and not even a scientist, was simply and unaffectedly *himself,* and therefore turned their somewhat funereal festivity into a genuine "flow of soul," to the extent even, that the F. R. S.'s surprised themselves with their own laughter. This is the way he did it.

"The duty has been imposed upon me of proposing the toast of that austere and venerable body, the Royal Society. I hope you will allow me to do this as briefly as I may, although I am well aware that an after-dinner speech which is very short to him who makes it is often very long to those who have to listen to it. [Laughter.] A man rises and talks and talks, and sits down after five minutes; and his audience maliciously time him by the clock at fifteen minutes. [Laughter.] I think that would be one of the most interesting philosophic questions which this august body has had to consider since King Charles came among you as a Fellow and propounded some of his conundrums. [Laughter.] I can only give you, by way of illustration, one way of answering the question, and that is by resorting to what is, I suspect, already a familiar conundrum. Why is married life longer to wives than to husbands? [Laughter.] The obvious answer is that

it is not; but it seems longer. [Laughter.] Now, this toast is a very difficult one to propose in any proper terms, and with commendable and reasonable brevity, because the subject is so vast. What shall I reject? I might enter into an exposition of the quality and character of the present membership of the Society—a subject so familiar and dear to you all. [Laughter.] But it would take me until to-morrow morning to begin to approach it. I might speak of that long list of discoveries that have made the name of the Royal Society immortal throughout the world. But that topic, too, is almost endless. I might speak of the laws, the new law of nature which, by means of your researches, this Society has imposed upon all mankind for all time. [Laughter.] Ideas rule the world; but some, as in politics, in law and in society, are transient and temporary laws. But the laws that result from the researches of this Society are eternal. There is, therefore, a great difficulty in selecting by elimination some point of view in which I may present the work of this Society for consideration; and it seemed to me that I should do best by proposing one single point, and that is the wonderful efficiency and vitality that the work of this Society has acquired in these modern days, in comparison with what prevailed in the earlier periods of the Society's history. ["Hear! Hear!"] In that connection I shall have to treat of a scientific subject—the contraction of the crust of the globe. [Laughter.] It is a little doubtful what the scope and work of this

Society does embrace; but I believe that the contraction of the crust of the globe comes fairly within it. I do not mean that physical contraction of which I have been discussing the history with your President. He tells me that there has been a wonderful diminution in the size of the globe in that respect. He says that it was once a much vaster sphere than it is now; and he says—I suspect with the partiality of the specialist—that it was once largely nebulous. [Laughter.] But I do not refer to that. I refer to the contraction of the crust of the globe which nas been made by the ideas which have emanated in the last two hundred years from this body and from bodies like this, and which have made the earth vastly inferior in size to what it was before. My friend Lord Kelvin, for instance, has had a very remarkable hand in bringing the nations, and diverse parts and peoples of the earth, much nearer together. [Cheers.] It is inconceivable how slowly in ancient times, before steam and electricity and Lord Kelvin and his associates came upon the scene —how slowly ideas traveled round the globe. Let me give you an instance of it. The Copernican theory of the universe was propounded to the world, I believe, about the year 1540. Now I should not believe it if I did not have it upon the word of one of the wisest and most learned men in America—the President of Columbia College—but it was as late as the early part of the eighteenth century when the President and professors of Yale College succeeded in making the people of Connecticut for

the first time accept the Copernican theory. [Laughter.] And as late as 1754—that is, 210 years after the theory was propounded—at the first session of Columbia College, New York, one of the students took for his thesis the proposition that the earth works round the sun, and he established it by copious mathematical demonstrations, and reference to the laws of gravity. [Laughter.] That was what happened before steam and electricity and the distinguished members of the Society had their way. Now you start an idea in London to-day and it goes with unerring velocity round the world in twenty-four hours, and if you recognize it when it gets back to-morrow morning you are lucky. [Cheers and laughter.] Some distinguished member of this Society discovers or extorts—I do not know exactly what the proper name is—a new element. If Lord Rayleigh were here I should appeal to him. Next week in a thousand laboratories in the United States and Australia the boys out of mere sport will be producing the new element again [laughter], and the response to new ideas is immediate the whole world over. I have referred once before to Lord Kelvin. Let me refer to him again, because his name is one which we in America hold in special reverence. [Cheers.] We cannot cross the seas in safety without relying upon two of his best-known inventions. We cannot send those words of greeting which we are passing to and fro, hourly and momentarily, between the two countries, without availing ourselves of his distinguished

services. [Cheers.] And what shall I say of the retiring President of this Society and the services which he has rendered? [Loud cheers.] I have said that new thoughts, new ideas, new secrets, wrested from nature, new elements, new principles, reach immediately and for all time to the whole human race. You may go into any hospital on the American continent, into any sick room in any civilized country, and there you will find misery relieved, and the pains of disease and death mitigated, by Lord Lister's alleviating hand. [Cheers.] I suppose I ought, in conclusion, by way of illustration, to appeal to the triumphant success of your new President. [Cheers.] In America we claim no special American stars—no local comets, no private nebulæ. They are common to all mankind. That is a theme and a subject of experiment upon which we can appeal to a common brotherhood, to a common humanity and to international sympathy, without provoking criticism on either side of the water. These great ideas, these great works which these illustrious men accomplish are free for the benefit of the world. They are the glorious fruits of the organization and the continuance of this Society. Their value cannot be overestimated, and the work which this Society is doing, and to which all the scientific societies of the English-speaking communities appeal as to the head and source, reach far beyond these islands—far beyond the confines of the British Empire, and is really circulating for the benefit of mankind all round the globe. So if

I have rightly set before you but one view of the merits of this august Society I may ask you in your own honor to fill your glasses and drink to the health of the Royal Society, *Esto perpetua.*" [Loud cheers.]

On November 16, 1900, at Burnley in the vicinity of Manchester there was a large gathering in the meeting hall of the Mechanics Institution and the Mechanics School in that town, to witness the distribution of awards to students who had attended science, art and technical classes, and to listen to an address by Mr. Choate. Preliminary to this gathering, he was presented in the afternoon, at Rose Grove, with an address of welcome by the town authorities. In the evening, after the prizes had been distributed, he spoke as follows:

When he landed at Rose Grove that afternoon he confessed to a slight chill of disappointment. [Laughter.] He cast his eyes upwards hoping to greet the friendly shelter of the Grove—[laughter] —he dilated his nostrils to drink in the perfume of the roses. [Laughter.] But where were they? Echo answered, Where? Was there any woman in Burnley who would confess to being old enough to remember when there were? [Laughter.] He soon found himself, however, under the hospitable shelter of Gawthorpe Hall, the absence of whose owner everybody regretted. ["Hear! Hear!"] Mr. Choate went on to say that there were many reasons

why an American should take great pride in addressing the men and women of Burnley. One was the fidelity and loyalty with which the people of this great manufacturing region had adhered to and maintained their friendship with the United States. Probably not many of them were old enough to remember the frightful Cotton Famine that was produced by the great American Civil War, or the misery which the necessary cutting off of the supply of cotton during those four years inflicted upon the long-suffering people of this region. But in America they had not forgotten it. The people of Lancashire bore with the utmost fortitude the hardships that were so entailed upon them, and when President Lincoln thought the time had come, and the indispensable necessity had occurred for issuing his great proclamation which struck the shackles from the limbs of 4,000,000 slaves, it was nowhere more cordially received, or welcomed with more intense enthusiasm, than by the very operatives of Lancashire who had suffered the most. [Applause.] Another reason was that every American was, naturally, inherently interested in the subject of education. In his country, where all men were absolutely equal before the law, and charged with equal power for the government and control of its institutions, everything depended upon public opinion, and that public opinion must rest for safety, and could only rest safely, upon the intelligence of the people and of all the people. ["Hear! Hear!"] And from the earliest times they had

shown interest in the subject. The pilgrim fathers had hardly landed upon their Rock, celebrated in history, when they began to establish schools. As soon as they could gather themselves together, after the hardships of the first few winters were over, they established a college in the name of a celebrated Englishman, which had since become famous, and ever since then his countrymen had made education their chief industry. He thought it was the chief industry of Burnley, from what he saw that night. Throughout the United States it had been the chief industry of the people, because its development and extension were absolutely necessary in the common judgment for the safety of their institutions; and if there had been anything good accomplished in America, he thought they might attribute it to the devotion of its people to education and to the universal dissemination of a perfectly adequate common school system throughout the country. [Applause.] His own impression was that now, after a sixty years' successful career of that institution, Burnley had very much the same system that prevailed on an establishment of 250 years in the New England States. He meant a regular gradation of schools from the lowest to the highest. There were primary, grammar, high and classical schools, all preparing boys and girls for every service and duty in life. And the citizen of the United States had to bear no expense for the education of his children until it reached a point where they were ready to enter the University, and

then he must take charge of it and relieve the State. The matter of technical education had not been overlooked. What was education for? What was life for, except to prepare the boy or girl to be useful to himself or herself and to the community and the age into which he or she was born? [Applause.] It was once thought by some former generations that it was enough to turn out a child at the age of thirteen with what were called the elements of education—reading, writing and arithmetic, with probably a little geography thrown in, and nobody could be more helpless than that unfortunate child starting out at that time to earn a living. After all, you could not eat verbs and adverbs; you could not drink vulgar fractions; you could not wear geographical maps. ["Hear, hear," and laughter.] And the thing was to equip the child so that it might battle safely with the world. ["Hear! Hear!"] This having occurred to his ancestors generations ago, they began to afford supplementary education both in the form of secondary education and that of technical education. They had every form and grade of school, from those where boys and girls were gathered together, as in New York, to receive the merest rudiments of education in the methods of earning a living, up to the highest universities in the land, and there were many of these known as colleges of technology. The result was that the boy or girl, man or woman, was still at school. The boy did not leave school behind him, but had one, two, or three hours a day that

he might be able to devote to it outside of his work. This might be hard for him, but there was an immense gain by these evening and secondary and technical schools both in his country and in this. He would call attention to one or two things which showed the national importance of this supplementary education, such as that institution represented. His own belief was that the contest and the conflict of the future between the great nations of Christendom were not to be conflicts in arms—at any rate he hoped not. [Applause.] They would be industrial, and commercial, and agricultural conflicts. They would be conflicts, controversies, contentions in the arts of peace, and especially in the industrial arts. He thought it was the happiest thing for the working men and women at the present day that this prospect fairly loomed up before us. There was no amount of international sentiment or gush which would stand in the way of this vigorous, constant, ever-growing competition between the nations in the arts of peace, and so the nation that equipped men and women best, especially those engaged in industrial occupations, would come out best in the end. His own impression was that if any of the great nations should deem it expedient to spend too much of its time and substance and energy in the destructive luxury of war, it would fall sadly behind its rivals in these same arts of peace. [Applause.] We must not rely too much on the Anglo-Saxon supremacy which we had read so much about. There were other nations, not

strictly in the Anglo-Saxon group, that were fully awake to the importance of this subject, and there were very few of the nations of Christendom that were not awake to it. He did not think it would do for Great Britain and the United States to look upon themselves as the sole competitors in this most important field and to leave Germany out. Germany would not consent to be left out. He was not sure whether or not she was a little ahead of us already. At any rate, she was neglecting no means or opportunities for advancing the progress of her people in these arts of peace. And this was not the case in Germany alone. Other nations—France, Austria, Switzerland, Sweden and many others—were pressing closely upon the heels of the greater nations in the same way. They had heard of little towns in Germany that had become famous by the skill and persistence with which they had pressed forward in this great struggle. They would have heard of the little town of Chemnitz, in Saxony, famous for its productions and its wealth, as an aggregation of industrial workers pushing their products in all quarters of the globe, all on account of attention to this business of technical and higher education for workingmen. ["Hear! Hear!"] In concluding, Mr. Choate commended the work which was being carried on in that institution. In the United States, he said, they did not mean to be left behind in this industrial, commercial and agricultural progress, if by any honorable means they could avoid it. He believed that

was the spirit which animated the nations of Christendom to-day, and it was from that he drew his best augury for the future. [Applause.]

The following address was likewise delivered on Prize Day at University College School, an institution founded, as Mr. Choate expressed it, on a "no-flogging platform."

Mr. Choate said he had never attended a prize distribution without feeling sympathy for those boys who were not among the prize-winners. He was satisfied that a great deal of the merit of a school rested in their superior numbers. [Laughter.] He had heard of a school where, at the close of the year's exercises, a prize was awarded to every boy. That might have had some effect, possibly, in diminishing the ardor of the competition, but it would remove all hard feeling. [Laughter.] Congratulating the headmaster and his staff on the position attained by the school, his Excellency declared that if it were challenged as an institution where boys relied largely upon parental influence, to a comparison with other schools to which boys were gathered away from their homes and families, it would only be necessary to point to some of the school's best products—for example, Tom Hood, Lord Leighton, John Morley, Joseph Chamberlain—[cheers]—the Speaker of the House of Commons, Lord Lindley, and Baron Hayashi, the distinguished Minister for Japan. He had heard of

an English father whose last injunction to his son on his leaving for school reflected the spirit that governed all England—and he would add—all America as well. Said the father: "I will tell you three things as you are leaving home; never tell a lie; never do anything that you would be ashamed to do in my sight; and, if you must fight, strike always straight from the shoulder." He would like to try, as an experiment, sending to America and distributing among the colleges and universities there the prize-winners of the school he was addressing, and having an equal number of prize-boys sent over here from the States and similarly distributed. He thought such an experiment would do a great deal to promote the harmony, friendly feeling and "altogetherness"—to use a word coined by the headmaster—existing between the two nations. The points in which that school differed from most of the other schools of England were points as to which it would secure great sympathy on his side of the water, because, resting as they did in America upon the education of all the children of the State, and the absolute necessity of imparting to all as good an education as possible, it followed that most of the 15,000,000 children in attendance at the public schools of America attended the day schools, and he had yet to learn that the union of school discipline and home influence was derogatory to the success or welfare of any of the children. Adverting to the fact that University College School was established on the

"no-flogging" platform, Mr. Choate remarked that he had discussed that question with an English mother of a family, who, on hearing that in American schools flogging was a thing of the past, said that she was not wholly in favor of that, for she "exercised that liberty at home." [Laughter.] But this good English mother and matron added, "I never whip my boys after they get to be three years old." [Laughter.] Some of them were old enough to remember the time when flogging in schools was almost universal, and there was a notion that if you couldn't get an idea in fairly at one end of a boy, you could hammer it in successfully at the other. [Laughter.] But in these days, in all parts of the world where the English language was spoken, civilization had advanced, and parents treated their children, and schoolmasters their pupils, and pupils and children their schoolmasters and parents with a great deal more humanity than in ages past.

Again, on a like occasion, he spoke as follows:

Mr. Choate said he regarded it as a compliment paid to his country that he should have been invited by the Leys School to take part in the proceedings that day. He congratulated the boys on the acquisition of prizes, which he had no doubt were the well-earned fruit of the happy and honest exercise of the faculties which God had given them, far more precious, far more valuable than any

prizes they could ever acquire by their aid. His heart went out, after rendering that delightful service to those who had obtained prizes, to those hundred or more unhappy beings who were not summoned to the platform. [Laughter.] Might he not say a few words in their behalf? There was a consolation prize, they knew, always awarded to those who had failed in the first contest, and there was a great deal those young gentlemen might say in their own behalf. In the first place, they constituted the vast majority. [Laughter.] He came from a country where it was universally held that it was the right of the majority to rule [laughter], and if he rightly read the boys' faces there was no disappointment there; there was triumph. [Renewed laughter.] They said to themselves, "See what we might have done if we had only tried." He had no doubt that they would exercise their powers and would rule the school, and rule it in a benign and happy spirit. After all, there was one thing for those boys who had not obtained prizes, they must act on the old English maxim, which had been an American maxim ever since their country was first started, "If you don't at first succeed, try again." What was the difference between the boys who had obtained the prizes and those who had not got them? His firm conviction was that if a boy determined to have a prize he was sure to get it. It was so in the prizes of life. After a fair allowance for all the variations of gifts of birth and fortune, it was the man who had the

will to take the prizes that got them in life. Might he draw an illustration from his own profession? He had known all the leading lawyers in America, and many of those in England for the last forty years. No two of them were alike in mental, moral, physical and natural endowments, except in one thing, and that was in absolute tenacity of purpose, in striving like grim death for the object which they had before them, ignoring everything but attaining that object by all the honorable means in their power, through all sorts of difficulties, against every obstacle of health, of poverty, of repeated failures and disappointments, until at last success crowned their efforts. He rejoiced to speak before the Leys School. He did not see how the Leys School had any favors to ask of any other school in England or in America. It had one great advantage. It might not have the prestige of age, the foundations of its buildings might not be wet, like some of those of the neighboring University, with the spray of the Deluge [laughter], but it had all the charm of youth and novelty, and if he were choosing under the impression of that hour between all the schools of England where he could place himself if he could renew his youth, or place one of his children, he would drop in at that school. [Cheers.] Old schools must labor under some disadvantages. He had no doubt the Master of Trinity found it so even in Trinity itself. There might be old statutes, old prejudices, old notions, that interfered with modern progress which the spirit of the age demanded. It

was not so under the Master of Trinity's management, he was only imagining it might be so. He had been very much struck since he had been in England by the fact that there was always one great reason for doing a thing, and another great reason for not doing it. [Laughter.] The one great reason for doing a thing was that it always had been done, and the one unanswerable reason for not doing it was that it never had been done. [Laughter.] It would be strange indeed if an American, and the official representative of the American nation, should not feel honored in being invited to take such a part as they had called upon him to do in a distinguished institution of education like the Leys School. For education had been the chief industry of the American people from the very beginning. All their other industries had been built up upon that; all their material and moral success had proceeded from that. When their ancestors first sought refuge there in the wilderness the first thing they did was to provide schooling for all the children, and the next thing was to establish a college, founded in the name of a graduate of Emmanuel College, Cambridge, which had grown to be an institution even more powerful than its celebrated mother. And then when they were forced into asserting their independence they discovered another thing which made the education of all the people an absolute necessity, and that was, that as they were to govern themselves, ample education must be provided at the public expense,

not only for those who were to exercise the powers of government, but also for those who were to choose their own governors. That made it necessary to provide for the full and satisfactory education, for all the necessary purposes of social and political life, of every man and every woman in the community, because the education of the woman was quite as important as that of the man, as the mother gave the character always to the children. ["Hear! Hear!"] He had not the time or he would like to have told them the results which had come from that fostering of education among the whole people during a series of 200 years. It had been very marked. He might, for instance, point to the State of Massachusetts. It was a community of two and a half millions of people, where not only primary education, but full secondary education, was provided at the public expense for all the children of the State. But in addition to that, the school education had been supplemented by the establishment of a library system which continued their education through a long series of years after they had left school. There were 350 townships in Massachusetts, and of those all but six had public libraries to which every citizen had free access and to take out books to read, and they were wonderfully improved by them. So they did not go amiss when they went to America and to Americans for sympathy on the subject of education. Their methods were different, but, if he rightly understood the two people, the results were the

same. What was the object of education in a school like the Leys and in the neighboring University? It was to turn out men—was it not?—whose faculties had been trained to their full strength, and for every man to turn out a gentleman. That was the object on both sides of the water. As had been well said, these two peoples, traveling along on parallel lines, had a great work to do in the future, and the greater it was, the heavier the responsibility that weighed upon them, the more education must be imparted to them, and the more must such schools as the Leys School, and such Universities as the Cambridge University, be promoted and sustained. His word for it, in the future they would find that the two nations were working on the same lines. What was the whole object of their political existence? He supposed it was to promote justice the world over, to maintain freedom, to maintain the individual liberty of every man to exercise the functions with which he had been endowed, so far as was possible, provided he did not interfere with the rest of the community. He believed that in the Providence of God it had been intrusted to these two nations each in its way, each according to the work which was thrown upon it, to advance mankind to a better, a higher and a nobler civilization. [Loud cheers.]

At a distribution of prizes gained by the students of Crewe Mechanics Institution he delivered the following address, referring to railways and the

essentials to successful service by their employees:

When he came into the room and saw the Union Jack and the Stars and Stripes hanging together opposite to the platform he knew that he was all right. [Laughter.] Those two flags had not always hung together in so friendly a way, but they had been drawing closer and closer together for many years, and he hoped they would never be separated [Cheers.] He had been introduced to them by the Chairman as the Ambassador to the United States. He believed that his legal title was "Ambassador of the United States at the Court of James," but he took a greater pride in being Ambassador from the people of the United States to the people of Great Britain, and nothing gave him greater pleasure than to be the bearer of words of sympathy and good-will from the workingmen of the United States to the workingmen of England. [Cheers.] After all, the prosperity of each country depended upon the prosperity and welfare and efficiency of its workingmen. If they failed, everything failed; if they were successful, the whole community was prosperous. [Cheers.]

In that hall they were for the most part concerned in the carrying on of a great railway. In such an occupation there was no royal road to advancement, either in Great Britain or in the United States. Even President Roosevelt, with all his power and his reputation at home and abroad,

could not command influence enough to secure a place on the Pennsylvania Railway for an incompetent man, and, what was far better, he would not do so even if he could. [Laughter.] The way to the top in both countries was the same—it was from the bottom. And this, in view of the tremendous powers and responsibilities possessed by those who carried on the great railway interests, was quite right. There were a great many more miles of railway in the United States than in Great Britain, and they drove their trains so fast [laughter], that if they were to put one of them on one of the abbreviated railways in this country, and send it ahead full speed, there would be a danger of its running into the Irish Sea or the English Channel before it could be stopped. [Renewed laughter.] This mighty railway interest had grown up in such a short time that there were men still living who could remember Stephenson running his first locomotive. He could himself—though he was not as old as Methuselah—remember being taken, at the age of five, by his father up a hill in the neighborhood of the town where he lived and seeing the first railway train coming from Boston, fourteen miles away. In a short lifetime there had been this tremendous development of an interest which rested for its success and its prosperity in the long run upon the efficiency of the men who made the locomotives and who ran the trains. ["Hear! Hear!"]

It was the object of this Institution to raise

up a class of men who would make the works and the trains of the great Company with which they were connected excelled by none in the world. He did not admit that this object had been quite perfectly achieved [laughter], but what they had done was an incentive to greater efforts. The man who was a model to all who hoped for great places in the engineering profession was George Stephenson. They could not all be Stephensons, but if they aimed at the top they would hit somewhere high, whereas if they aimed near the bottom the shaft would stick in the ground, and there was no reason why every young man belonging to this Institution and in the employment of the North-Western Company should not aim at making the best of himself. What was the first condition of success? He had been a workingman himself all his days. He had not worked with screws and bolts and machinery, but he had worked at the law, and he believed that the same qualities that accounted for success in one profession accounted for it in another. The one quality that could not be dispensed with, that was indispensable if a man was to advance, was absolute, incessant, undying tenacity of purpose. Benjamin Franklin, whose beginning was as humble as that of Stephenson, but who lived to have it said of him that he "snatched the lightning from the clouds and the scepter from the tyrant," laid down some other rules for the attainment of success, such as temperance and frugality, and these rules were as applicable nowadays as at any time before. But

success was not everything. Men wanted happiness as well, and the thing which conduced to this more than anything else was the cultivation of the love of reading. Let workingmen, especially, cultivate this taste in themselves and in their family life, and nothing would do more to promote the happiness of themselves and those around them. [Cheers.]

The Cheyne Hospital, Chelsea, was founded in 1875, with the object of caring for children suffering from chronic and incurable diseases, who, for this reason, are excluded from general hospitals. At a successful meeting, in aid of this charity, Augustine Birrell delivered a lecture entitled "A Backward Glance at English Literature During the Past Century." Mr. Choate occupied the chair, and there was a distinguished assemblage.

In moving a vote of thanks to the lecturer Mr. Choate, discoursing delightfully on "Books," said:

That it was delightful to follow such a guide through the long procession of the great writers of the century just closed. In the progress of the nineteenth century the world had become so full of books that whoever suggested a nice selection amongst them did a great service to the reading public. Whoever wrote the Book of Ecclesiastes 2,000 or 3,000 years ago declared that even then, so many centuries before the invention of printing, that of the making of many books there was no

end. What would he say if he could take a look at the books at the beginning of the twentieth century, when all the presses of the world were teeming with new productions? According to the latest statistics which he had seen there were more than 70,000 different books produced in the year 1898 in Europe, exclusive of Russia, and in the United States. In Germany the number was 23,000, France 14,000, Italy 9,000, Great Britain 7,500, and in the United States about 5,000. So that he who with knowledge was willing to guide them through only a small part of one section of that hopeless labyrinth of books did them a vast service. [Cheers.] The great writers—all the writers of English in the nineteenth century—were the common property of all who spoke the English tongue, and Mr. Birrell had well said that it mattered not at all in which century the author of a good book had lived; it was in these days immediately seized upon by the voracious reading public of the whole world. The English language, in its wonderful fluidity and rapid spread, recognized no international boundaries, and carried the thoughts which it expressed around the globe with the speed of steam and electricity. No nation could appropriate as its own a good book simply because it had been produced within its borders. It became at once the property of the English-speaking race who would have it in all the continents and all the islands of the sea. And as all readers everywhere got the benefit of the brains of all authors, was it a mere

fanciful dream, or would it only be realized in the distant future—in the millennium of English literature—that all authors would get the reciprocal benefit of all this reading, without regard to international or colonial limits? So that a copyright properly secured anywhere should be good everywhere, like any other right of property, so that whether issued at Washington or London, or Melbourne or Montreal, it should protect its own wherever the English or American flag flies, or the English or American language is spoken—just as the English sovereign or the American gold eagle bearing the national stamp passed current at its face value all over the world. While he had been greatly interested in what Mr. Birrell had said of certain great writers, the reading of whose books requires great thought and exertion in the reader, he could not but think that the vast majority of readers required something easier than Carlyle or Browning, and fell back upon books that could be read without thinking and remembered without effort. [Cheers.] The works of fiction published each year in England and America more than doubled the number of those published in any other department of literature. In his country the five most successful works written during the last five years reached a sale of from 250,000 to 500,000, and if each copy were read by ten readers, between two and a half and five millions of people would have read them. The value and influence of great writers of English fiction, such as Scott, Dickens, Thack-

eray, Jane Austen and George Eliot, could not be overestimated. Their books continued to be issued in large editions on both continents. Scott's delightful romances had found their way into every house where English was read. They could always be read with the same relish and zest as they had been devoured in the eagerness of youth. They were found in the dispatch-boxes of Ministers and Ambassadors, beneath the gowns of Bishops and Judges, in the knapsack of the soldier, the bunk of the sailor, and in the miner's camp. Indeed, Scott had made Scotland, its magnificent scenery, its history, its heroes, and its delightful capital perfectly familiar and dear to all. He would give them the tribute of one of the greatest of American men of letters, his most illustrious predecessor, James Russell Lowell, to that wonderful "Wizard of the North," as it came to him the other day. Lowell's end was very near. He, and all his friends, knew well that for him the silver cord of life would soon be loosed. Dr. Oliver Wendell Holmes went out to pay him a last visit at his house at Elmwood. The two had always been like brothers, calling each other by their first names. As the doctor entered the room he said, in his usual benignant and breezy way, "Well, James, how are you to-day?" And Lowell, book in hand, looked up with a bright smile and answered, "Wendell, I do not know how I am, and I don't care. I am reading *Rob Roy*." [Laughter.] Dickens had done for England and London what Scott did for Scotland and Edinburgh.

He made the great metropolis very familiar to Americans of his generation, and he hoped ever since. When they came to London they sought out the haunts of his characters and his types of Englishmen, and generally they found them. [Laughter.] There were some sad changes, it must be admitted, in the last fifty years. They might stand in Piccadilly an hour together and watch every omnibus and coach without finding a single Tony Weller. Splendid as those drivers are, and skilled with rein and whip and governed with a whisper, they had lost the globular features and spherical form which Boz loved to describe and Cruikshank to draw. They could any day walk down Goswell Street without recognizing Mr. Pickwick. The President of the Pickwick Club of to-day showed the obvious marks of training. As Dickens's books came out they were eagerly devoured in America. *Dombey and Son* came out in numbers long before the laying of the first Atlantic cable, and several numbers went over in fortnightly steamers, the most frequent communication of that day. In an early part of the story little Paul was brought to the verge of the grave, the last number to hand leaving him hovering between life and death, and all America was anxious to know his fate. When the next steamer arrived bringing decisive news the dock was crowded with people. The passengers imagined some great national or international event had happened. But it was only the eager reading public who had hurried down to meet the steamer

and get the first news as to whether little Paul was alive or dead. [Cheers.] He took it as a great compliment to one of their American writers that the only mention which Mr. Birrell in his review of the nineteenth century had made of any living writer, was his allusion to the author of that literary classic, *Huckleberry Finn.* The Mark Twain—the 'mark twain,' as his pseudonym had been happily translated—was called the Bismarck of to-day's American literature. He certainly had done as much as one man could to amuse and entertain the English-speaking world. Mr. Birrell had most felicitously described Emerson and Hawthorne as being as dear to the English reader as to the American. Certainly Emerson's book on *English Traits* was one of the most appreciative and valuable descriptions of English life and character that any foreigner had ever written, and was as true and readable to-day as when it came from the press half a century ago. Hawthorne's whole nature was deeply saturated with colonial and ancestral traditions, reaching back to the England of Elizabeth and the Stuarts. One of his greatest and most subtle works was cut short by his death. It was a real international Anglo-American classic—*Dr. Grimshawe's Secret.* It was hung upon the vanishing thread of heredity which existed between many an old English family and its American branch, cut off by the ocean. The long and tangled skein was in this work unraveled with that artistic skill and charm of which only Hawthorne was

master. [Cheers.] His Excellency closed by warmly moving a vote of thanks to Mr. Birrell. The vote was carried with great cordiality, and the meeting broke up with a hearty vote of thanks to Mr. Choate.

The Authors Club in London, at a dinner on February 20, 1900, was favored with an after-dinner address, in which Mr. Choate referred to American education and American readers, and what the English language had done in producing the most widely read books of modern times.

Mr., now Sir Gilbert, Parker, the Chairman, in proposing the health of Mr. Choate, referred to the great justice which was shown in America to authors —that much-maligned and much-admired fraternity. [Laughter, and "Hear! Hear!"]

Mr. Choate, in reply, said he came there partly as a reader and partly as a representative of one of the greatest reading communities that had ever existed. [Cheers.] He knew of no relation of any other body of people so important to authors as that of readers—[laughter and "hear, hear"]—and it was the fact that they on the other side of the Atlantic were entitled to rank very high in this relation of readers to authors. In the first place, the people of the United States constituted the vast majority of the English-speaking peoples of the globe, and they all knew very well, they asserted it every day, that the majority must rule—[laughter]

—at least they must be assigned a paramountcy —[renewed laughter]—as between authors and readers, and as to everything else that related to the English tongue. And it was not merely by weight of rulers that they asserted their authority. It was because the art and the habit of reading had been encouraged and stimulated on the American side of the water to a degree that added tenfold to the mere weight of writers. But a body of seventy-seven millions of people as customers was entitled to very generous consideration. [Laughter and cheers.] Let them consider why the Americans had been such devourers of authors as they confessedly were.

Well, an explanation was the general education of all the people, which brought them into life fully qualified to enjoy all the good things that authors put before them—the general education at the expense of the State that formed the groundwork of all American free institutions. ["Hear! Hear!"] But not only was free education up to the age when the boy or girl could take care of itself, but there was a system established amongst them which might be regarded as an explanation of the public education, of the school education, that went upon the theory that education was not to end with boyhood or childhood, but was to be continued all through life. He referred to the establishment and development of the library system, for which, he thought, the United States might claim some credit. ["Hear! Hear!"] There were 351

towns in the State of Massachusetts. In those, with the exception of seven, the public had the use of public libraries provided at the public expense. In those libraries there were three and three-quarters millions of volumes—about a volume and a half for each inhabitant of the State—and the circulation in twelve months amounted to seven and two-thirds millions, or three volumes for each inhabitant, men, women and children, and babies in arms. Could they point to any other country under the sun in which that state of things could be said to exist? [Cheers.] And was there not a reflex action of the readers upon authors as well as of the authors upon the readers? ["Hear! Hear!"] Might it not be owing to some such relation as that that in these last sixty years there had been authors of such eminence in America? Massachusetts, to which he had been referring in connection with this free libraries movement, had, however, only led the way, for the last report of the National Bureau of Education to which he had had access, showed that there were 4,000 free libraries in America, containing more than thirty-three millions of volumes. [Cheers.] He alluded to the "teachableness" of the people who spoke the English tongue, as was shown by the work of Captain Mahan in America and Mr. Bryce in England. Captain Mahan told Great Britain of her wonderful sea power, and discovered some of its elements of weakness. Mr. Bryce went to America and studied their institutions, and produced a work descriptive

of them which was without an equal in our whole history on the other side of the water. He gave them praise where they were entitled to praise, and blamed them where they were subject to blame, and they were very ready to follow his suggestion and to go to work to supply a remedy.

It was this "teachableness" of all people who spoke the English tongue that constituted their great prospect for the future. This English tongue had done an immense thing for them on both sides of the water. It had welded them into one homogeneous and united people, speaking with one voice, and acting with one will, to work out their destiny, and it had done the same thing for the widely spreading members of the British Empire—as they had had an example in this very year—[cheers]—making them one people, united for the common liberties of all. [Renewed cheers.] And what had it not done —this same English language—for all who spoke it? It had given them their highest aims and their highest ideals. It had taught them to love liberty, and to be devoted to law. [Cheers.] He congratulated the authors of that Society, and all authors of England and America, upon the splendid opportunities open before them, through the ever-widening circle of the audience to which they addressed themselves. He supposed, of all the great authors of one hundred or two hundred years ago, there were more of their books published and read in two or three years, at the close of the nineteenth century, than during the whole of their

lifetimes. He mentioned *Don Quixote, The Pilgrim's Progress,* the *Compleat Angler* and *Robinson Crusoe* as being the most famous books handed down to the present generation. In this connection Mr. Choate referred to the service rendered by *The Daily News* in its recent articles on the best books for children, and quoted the verdict of the competitors for its prize as illustrating the pre-eminence still enjoyed by *Robinson Crusoe.* Time, continued Mr. Choate, had sifted all literature, but how the united judgment of mankind had centered upon those four books out of all the really wonderful books which had been given to the world, and how it had selected those masterpieces and given them such glory, and other valuable works had sunk into insignificance and almost into oblivion, it was really very hard to say. How little pecuniary benefit the authors got from those works the members of that club well knew, but they won that great harvest of immortality which was given to each. All that was known was that in each case the work was the ripe fruit of a matured judgment, for none of those books was written by young men. He supposed every writer, when he gave his work to the public, hoped at least that it would survive him and give him fame in the memory of men, even though it failed to give him bread. All they could say of those four great writers, who produced those four great books, was that each put into his magnificent piece of work the very best efforts of his most perfect genius. That was the key to the success

of authorship. Every author had it within the possibility that he might win a share in this immortality if he followed the course in which they led the way. And he trusted that the members of that club, each one, would be a competitor for a share, for a chance, at least, in this immortality, which must nevertheless be admitted to be distributed as the prize, apparently, in the lottery of the literary life. [Cheers.]

During the delivery of an address at the opening of a public library a baby in the audience, at the exact psychological moment, when Mr. Choate was referring to the fact that special provision in the library was made for children, raised its voice, emphatically, and almost drowned the words of the speaker. When Mr. Choate could be heard he remarked, "don't be disturbed by the baby; nobody knows better than my Lord Bishop (who was presiding) 'that out of the mouths of babes and sucklings cometh wisdom.' "

At the opening of a bazaar in aid of a hospital in the quaint and interesting town of Coventry, the scene of the famous story of Lady Godiva, Mr. Choate was accorded a hearty reception. When the applause with which he was greeted had subsided, he said:

When Lady Anne Murray, last winter, asked him to set apart that day to come to Coventry to open

that bazaar, he did so with alacrity, first because he would do anything which Lady Anne Murray ever asked him to do [laughter and applause]; secondly, because he believed it to be a great and good enterprise; and thirdly, because it gave him an opportunity of again seeing their wonderfully attractive old city. ["Hear! Hear!"] Somehow he thought they had little idea how famous the place they lived in was in the minds of people thousands of miles away. They saw its ancient beauties every day, and perhaps made light of them. They had all read about Coventry in America, and it was one of the places toward which American visitors early turned their steps—with its far-famed ancient churches, its wonderfully preserved streets, as they were three or four centuries ago, and the charming romance that had hung about the city for the last 850 years of Lady Godiva and her most fascinating ride through the streets of Coventry—a ride which no one was ever permitted to see [laughter], and the only man who attempted to see it was struck blind for life upon the spot [renewed laughter]. But conditions changed, times changed, and they all changed with them; and he supposed Coventry was a very different place to-day from what it was in Lady Godiva's time, which, he believed, preceded the Conquest. Now Coventry was famous as a great manufacturing center. What did it not manufacture? He could enumerate some of the things which it did manufacture—silk, watches, cycles and motors; and if the eminent lady whom

he had mentioned, or her modern representative, selected from among the neighboring countesses, was to ride through Coventry to-day, it would not be on a palfry such as she saddled, it would be upon a steam bicycle or an electric motor, and there would be no need to require the people to keep within doors, because the busy hum of Coventry showed that in the shops and in the factories people were too busy even to look out of the windows. [Laughter.]

It was his business that day to open the bazaar. He asked a young lady that morning, who had been at work from six to ten months preparing things for the exhibition and sale, what it was all about, and she replied, "Well, I don't know," so he did not get much light from her. [Laughter.] His Worship the Mayor having said that he (Mr. Choate) must say something about the occasion, let him say something about the hospital—this really ancient hospital, which had been for sixty-five years in existence, which had done so much, and which was certain to do so much more, to relieve misery and to promote the comfort of the people of Coventry. How it had managed to keep on foot and keep its head above water with the demands which had been made upon it during the past sixty-five years it was hard to say. People who were not very anxious to give for its aid always had a favorite motto. They said: "The Lord will provide," but the Lord never provided half so well for others as for those who undertook

to provide for themselves, and that was what he had judged the hospital had done, from the record which he had looked over, and the subscriptions that had come in, not only for the bazaar, but for the support of the hospital from time to time during the last sixty-five years. Whenever things looked particularly unfortunate and gloomy some helpful friend would send in his check for £50, or £100, or £200, or £500, and so the hospital had been kept on foot. It was said it had been in difficulties. There were no difficulties in the face of that audience, in the face of the subscriptions which had been read out by the secretary, there were no difficulties which could not be, and would not be, easily overcome.

He wished to speak to them of three sets of people who were entitled to the special gratitude of the citizens of Coventry and the inhabitants of the surrounding districts. In the first place there were the surgeons and physicians, who, without stint, from the beginning had given, without thought of compensation—except the compensation which consists of relieving misery and doing good—their time and skill and services to the relief of the patients in the hospital. It was one of the things for which he admired the medical profession, their gratuitous hospital work the world over; and he had heard scores of them say it was the work which they enjoyed more than any other they did. The work for which they received no pay was infinitely more gratifying to them than the work for which they were paid. In the next place the men who were

entitled to special recognition in connection with the hospital were the workingmen of Coventry and the neighborhood [loud applause]. It was a comparatively new thing for a public hospital to be taken up and so largely sustained by the services and the contributions of the workingmen. It was for their good that the hospital existed, and in his judgment it did them infinite good to call out their public spirit in the way it had been called out, and exercised in Coventry by their contributions so freely and largely given in support of the hospital. ["Hear! Hear!"] The welfare of Coventry, of Warwickshire, of England, depended upon the welfare and prosperity of these workingmen. ["Hear! Hear!"] That was at the bottom of all national prosperity, both here and in America. [Applause.] It was a splendid thing that these workingmen had been doing in coming to the support of the hospital. ["Hear! Hear!"] Then there were the ladies of the Auxiliary Committee. ["Hear! Hear!"] He would like to mention them all by name and to exhibit the photograph of each one of them to that admiring crowd [loud laughter]; but he would not excite their apprehension in this way. They had been working themselves to the bone in getting ready for this bazaar, and he knew they were proposing to devote the next three days to it, and his only hope was that when they dragged their remains home on Saturday night, after the exhausting labors of the week, they would carry with them the happy satisfaction that the £4,000 that was

needed for the relief of the hospital, and to insure its being kept open for all coming time, had been secured. [Applause.]

He supposed that before he sat down he ought to say something about the bazaar. [Laughter.] Men's views differed very much about bazaars. He had heard a good many say they never go to bazaars; they drew the line at bazaars, and they would much rather give their checks outright than go and buy things that were for sale at bazaars and leave them on the stalls or carry them home. But he noticed that the men who said that were not in the habit of sending in their checks. [Laughter.] It was very rarely done, if ever. He had not had time to examine all the wonders which were contained in these stalls. In the first place the tremendous attraction was—he had partial knowledge of it—in the stallholders. [Laughter.] There was not a stall there that it would not be, in some things, a liberal education to go and make a visit to the stallholders. [Laughter.] And then they had such delightful things for sale. There was not anything on the tables of the stalls which did not touch the heart of every man and every woman—Art, Literature, Poetry, Music, Butterflies. He did not know exactly what Butterflies and the Golden Butterfly represented, but whatever they stood for they were there for contemplation and enjoyment. [Laughter.] There was not anything to which the human mind, or the human heart, or human body, turned with satisfaction that could not be found

exhibited and for sale on those counters. And now what was the duty of the people of Coventry? He supposed they were all intensely impatient—he saw they were—that he should sit down. ["No! No!"] The money was evidently burning in their pockets; their great desire to visit the stalls and make purchases for themselves, and their children, and their near and their remote relatives, something suited to the needs and wishes of all, was almost uncontrollable. [Laughter.] What beautiful Christmas presents there would be in Coventry and the neighborhood this year. Something for all. He did not believe there was a man, woman or child in Coventry who would not be supplied with a delightful Christmas gift in consequence of that bazaar. They would find things admirably suited for wedding presents, and the longer they lived the more frequent necessity of giving wedding presents became. [Laughter.] They had a great duty to perform to support the exertions of the Ladies' Auxiliary Committee, and to support the hospital, which spoke so loudly for the character and prosperity and ambition of the community and by-and-by, when his Worship the Mayor came again a year from now to address another crowd at another bazaar gathered for another charity, he would have left the hospital behind him, and he would be able to say: "Thank God, in 1902 the hospital business was finished. The £4,000 needed for its support and continuance was obtained, the ladies who were so unsparing of themselves in achieving that great

success have gone to rest [loud laughter], and everything promises well for the future of Coventry." [Laughter.]

He bespoke for their undertaking all possible success. How exactly he could come amongst them as a stranger he did not know, but after the kind words spoken by the Mayor he did not feel like a stranger. One lady came to him as he entered the hall and said, "I have two sons in America," and no doubt the people of Coventry were represented in that way all through the United States. There was one bond of union he had not often heard spoken of, which was a very sympathetic bond—he meant that tie of sympathy which prevailed between the workingmen of America and the workingmen of England. ["Hear! Hear!"] He believed it to be universal and deep seated, and so long as the wishes of the workingmen of the two countries could be ascertained and followed, there could be nothing but friendship and amity between them. [Applause.] He thanked them very much for having listened to him, and regretted that chairs were not provided, "in which case," Mr. Choate said jokingly, "I should have been tempted to occupy your attention for the rest of the afternoon [laughter], but as it is I bid you an affectionate farewell." [Loud applause.]

My impression is that Mr. Choate did not indulge in pastoral affairs or athletic sports, and was in no sense a sportsman. But it by no means follows

that he could not talk on these subjects as entertainingly as though he were their enthusiastic devotee, at the same time coloring his utterances with those friendly hues that pictured England and America in loving embrace. This is illustrated in the following brief address, delivered at a Poultry Show, over which Lord Dartmouth (from whose ancestor Dartmouth College takes its name) presided.

Mr. Choate said he had not expected to make a speech, but since he had come there, he said, an envelope had been handed to him, the seal of which bore the motto "Blood is thicker than water." Over that was a crown, and beneath it the American Eagle and the two great flags, the Stars and Stripes and the Union Jack, came between the two. ["Hear! Hear!"] He was not going to say much about the American Eagle. [Laughter.] Lord Dartmouth, in going through the poultry show, called him to look at what he (Lord Dartmouth) called the American Eagle. He obeyed the summons and found that it was nothing but a game cock. [Loud laughter.] He supposed everybody understood that that was a guise which the national bird sometimes took when it was provoked by too inquisitive strangers. He represented a country which, like the county of Stafford, had still agriculture for its chief industry. Millions of his fellow-citizens were engaged in following that great pursuit. They were constantly raising, by their

industry and vigor, more than they had need for at home, and they developed some of those products which Staffordshire and Wolverhampton dealt in, and sometimes greatly needed. They had a great crop of iron, and a still greater crop of coal, and they raised cotton in abundance to cover their backs, and wheat and sugar in abundance to fill their bodies. They did not accomplish those things for themselves alone, but with that unselfishness and true spirit of self-sacrifice—[laughter]—which was really the bottom plank of the American character—[renewed laughter]—they labored for the good of their fellowmen throughout the world. [Loud applause.] He was sure that, on fair terms, they would always be ready to supply all their impoverished neighbors with food to fill their bodies, clothes to cover their backs, coal to warm their houses and iron with which to carry on the great industries of life. [Laughter.] Everything he saw there reminded him of his own country. The show was an exact reproduction of a cattle show held in every county in America after the harvest was gathered in, and it compared well with any exhibition he had ever seen. The ties that united the two countries would never, he hoped, be broken, and he was delighted to find in the heart of England such a warm response to their professions of friendship. He was prepared to believe that no question could ever arise between the two countries that could interrupt that constant peace that had held them together for the last eighty-five years, that

they would never leave each other in the lurch, and that they would cultivate the same spirit of civilization, justice and freedom which was the real foundation and object of both Governments. [Loud applause.]

Mr. Choate was among the number of lawyers who took gentle equestrian exercise, in the early morning hours, in Central Park, but anything more than a moderate canter was beyond his aspirations, much less that bold and reckless riding involved in "following the hounds." Yet he was able, in words at least, to ride to a finish with the best of them. At a festive gathering of the Albrighton Hunt the Chairman, in proposing the health of "His Excellency the American Ambassador," referred to him as the incarnation of our American cousins, and said that if they were Frenchmen and Frenchwomen they would all fall upon the Ambassador's neck and kiss him. Mr. Choate replied as follows:

After hearing that glowing introduction by Colonel Kenyon-Slaney he only regretted that they were not Frenchmen and Frenchwomen. [Loud and prolonged laughter.] It was true that he had but one neck—[laughter]—but he should be willing to risk it and incur that hazard that might fall upon him with the fall of men and fall of women that he had promised. [Laughter.] Since he left New York, on Washington's birthday, the 22nd of February last, he had never felt quite so homesick as at that

moment. [Laughter.] If he could not get back and hide his head in his Massachusetts' home he wished he were back at that home from which he came that morning. He came under a safe conduct, under a solemn pledge that not in any circumstances should he be called upon to say a word. [Laughter.] But those pledges were so easy to give and so hard to keep. [Laughter.] Americans were always ready to rely upon the word of a Dartmouth. [Applause.] They had always considered him and his family among the strongest friends they had on this side of the water, but that morning when they rose from the breakfast table he (Lord Dartmouth) told him that he was absolutely safe. [Laughter.] He did not know then that Lord Dartmouth had a speech up his sleeve. He believed his lordship made more speeches than any other man in England. He believed that with him it was only necessary to drop a penny in the slot, and up came a speech. [Loud laughter.] He was not even prepared for the glowing eulogium upon his country which the gallant colonel had so nobly pronounced. He was exposed to two dangers, a crossfire which he never expected. In the first place there was the danger which he saw in the presence of the gentlemen representatives of the Press, who were taking notes, he supposed, for their own individual enjoyment as they committed those various remarks to memory. [Laughter.] It was an appalling danger—[laughter]—especially for an Ambassador to be exposed to. Out of every pos-

sible word they would, of course, discover a possible International collision. [Laughter.] There was no more exposed position in which he could possibly be placed in front than by their busy pencils and constantly moving note-books. And then there was a fire in the rear. [Laughter.] He did not know until five minutes before entering the tent that his performance was to be supervised by the highest authority that he recognized upon earth. [Laughter.] He rejoiced very much at being present on that occasion, at that luncheon—so novel as it was to him, made up of an equal company of ladies and gentlemen, of women and of men. To their presence they always bowed, and even their bow was more increasingly pronounced and low. There was a time he could remember when those women figured only as their equals—[laughter]—but the day had at last come when they were universally recognized as their superiors. [Renewed laughter.] He thought his safest plan between these two crossfires would be to sit down. [Laughter.] But he wished to say a word or two about the peculiar features of the occasion as they struck him. He was not, and never had been, a puppy-walker. [Loud laughter.] He was one of those very few exceptions in that company which even Captain Curtis had recognized, but he was given to understand that the puppy-walker was the real foundation of the success of the Hunt—[applause]—for without them there would be no puppies, and without puppies there would be no pack, and without a pack where would

the huntsmen and huntswomen be? [Laughter.] He must say one word seriously on what he had observed even in his brief residence amongst the English people. He believed it indicated the great good that had come to this country from the institution of hunting, and other kindred institutions, pastimes and sports to which this great people were given. They had been engaged and indulged in those sports, pastimes, labors, strengthening pursuits for generations, and the result was shown in the toughness and fiber of the British man and the British woman. [Applause.] They had an example the other day, when a young man from Cambridge, representing so splendidly the strength and vigor of his country, led off in that three-mile race and maintained his lead to the end, and came in not at all exhausted. Now, as he understood it, this strength of manhood, and of womanhood, which showed itself in the youth and the children of this nation was by no means an accident. It had come from this magnificent outdoor life of theirs in which they indulged. What seemed holidays were really days for refreshing and invigorating the strength of the nation. [Applause.] And it was obvious and perceptible in all ranks of the people everywhere in England, so far as he had observed it. It was no small thing, but went very far to account for the success of England as a nation that her men and her women had learned to develop their physical faculties and, necessarily, with them all their other faculties by such sports and such

industries—might he say so—as those to which they were to-day committed. [Applause.] He would like to import into his country what he had seen there that day. Those men and those women; would they go over there? [Laughter.] He thought both nations would be the better for it. There was not a man or a woman within the sound of his voice who would not be the better and sounder and happier by a six months' residence in America, and not an American man or woman who would not be better for a six months' residence in England. [Applause.] He was talking to one of their eminent citizens who took a prominent part in the Albrighton Hunt that day. He told him he had been in America, and that, even though he thought he had but one weakness, one infirmity, the hospitality with which he was everywhere received whilst in that country made him feel that one weakness. It was that he was not supplied with a cast-iron stomach. He (the speaker), as a representative of his country in England, suffered from the same weakness, and he was inclined to think that a part of the outfit of an American Ambassador should be some such cast-iron arrangement as that. [Laughter.] Not only in the great city of London, but there in the heart of England, where he had expected to find hardly an acquaintance, he found they were not only cousins, as the colonel had said —that was a weak way of putting it—but he felt he was in the presence that day of a great company of 250 brothers and sisters. [Applause.]

Among the fly fishermen, too, he was just as much at home as though of the number who indulge in piscatorial sports, while it is probably true that he was a stranger to the art of fly casting. Nevertheless, one would never imagine it from his genial talk, so appropriate and so attractive, to the fly casting experts who listened to the following address made as Chairman of a gathering of the Fly Fisher's Club on March 11, 1902.

"Gentlemen:—It is my privilege now to propose to you the most important toast of the evening—'The Fly Fishers' Club'—[cheers]—or 'Your noble selves'—a sentiment nearer and dearer to your hearts than any other can possibly be. In doing so, I must be allowed to preface my remarks with a word of apology. I am afraid that you will have a great grudge against Lord Denbigh, who, unfortunately, is not here to-night, but who is directly responsible for the predicament in which both you and I find ourselves—a body of distinguished experts presided over by one who is no expert at all. [Laughter.] He began fishing for me some months ago, when I was enjoying myself in my native country on the other side of the Atlantic, entirely guiltless of such an indiscretion as this. [Renewed laughter.] He cast about me on all sides all sorts of alluring and seductive flies—[laughter]—but I refused to rise to any of them. [Continued laughter.] But, with that patience and perseverance so characteristic of the craft, he kept

on fishing. Nothing would satisfy him until he had accomplished the object that seemed to be so near to his heart. He fished with a most wonderful astuteness and skill, because he had not the least idea whether he would find me on the Connecticut, the Hudson, the Potomac or the James, as I was moving freely to and fro across them all. [Laughter.] At last, in an unwary moment, I yielded to his seductions. I took the fly and swallowed the hook, and after many a struggle he landed me safely. What an unexampled achievement for a fly fisher was that—standing here in London, at the very threshold of your club, with an elongated rod and line, angling for and capturing a strange fish of from thirteen to fourteen stone—[laughter]—playing with him through three thousand miles of water—[laughter]—and landing him at last safely on the banks of the Thames for your entertainment. [Continued laughter.] And a very sorry entertainment I am afraid you will find it. ["No."] I have heard the old story of Washington throwing a sovereign across the Atlantic, but I never heard of such a haul as that by any angler, professional or amateur. Speaking as only a fish could speak, as soon as I quite recovered my breath, I protested to him that I did not belong to your tabernacle—[loud laughter]—but I found him as cunning and wily in the management of tabernacles as he was with the rod and line—[laughter]—for he said: 'I shall keep the door of this tabernacle open until you come in.' [Laughter.] 'There is nothing that

Americans like so much as the open door.' [Laughter.] He went on to say that from his experience in the management of all kinds of tabernacles, if the people on the inside would only hold the door open wide enough, and long enough, those who still lingered on the outside would be sure to come in sooner or later, and in I came. [Laughter.] Although not an expert, I cannot disavow the possession of some of the qualities which go to the creation of an expert. I have heard that the true foundation of the angler's art and skill is, first, patience, and, secondly, veracity in telling the story of his achievements. [Laughter.] Well, if a long life spent in the practice of law, with a brief supplement of diplomacy, has not qualified me in both patience and veracity, how could I possibly hope to attain either? [Laughter.] Now I have this skill, that I can stand and cast my fly and fish all day without catching anything; but such rises! such nibbles! such bites! I believe that is regarded as the supreme felicity of the fly fisher. [Laughter.] The fish, if they come, add a little to the pleasure, but, after all, they are merely an incident. [Laughter.] You get, without them, that charming contact with nature, the sun and air, earth, sky and water, and everything that contributes to the health, appetite and digestion of man, and so, perhaps, I share with some of those who sit before me—I will not say the majority, but with some of them—this faculty of being ready to fish, but unable to reap all the possible rewards.

[Laughter.] But those fish that we did not catch are always the best there were. [Laughter.] They beat the record of all the salmon, the trout, the grayling and the bass that ever have been landed upon dry ground. The fish that we did not catch—there is no limit to their number, their size, their weight, their measure or their color. [Laughter.] Yes, gentlemen, the fish that we did not catch are like the speeches which after-dinner orators make on their way home in the cab, or even when they have got safely to bed—[laughter]—they are a good deal better than any speeches we really have ever made or heard; so that the author of the old proverb, whoever he was—I hope it was not Solomon—was not so wise after all, when he said that there are as good fish in the sea and the rivers as ever were caught. He made a mistake. He should have accepted an amendment, and said there are always better fish in the sea and the rivers than ever were caught. [Laughter.] Well, I will tell you briefly the three inducements that Lord Denbigh held out to me when exercising the wiles and charms of his persuasion to induce me to stand here to-night. He said, in the first place, what I have already realized, that I should find myself in the company of the jolliest and healthiest set of men in Great Britain—["hear, hear," and laughter]—assembled once in the year, reposing from their great labors—[laughter]—meeting for the purpose of mutual admiration and mutual glorification, to tell fish stories, to sing and drink

toasts till the small hours, and forget all the cares of life, past, present and future. [Laughter.] And when I look down upon this sea of faces, all so ruddy and contented—shall I say self-satisfied?—and when I look over this delightful program, interspersed with songs, recitals and stories, with here and there a speech, I know that Lord Denbigh was not mistaken. I know that I have fallen among true disciples of the gentle, divine and skilled angler who said, in words of which you reflect the spirit here to-night—

" 'Man's life is but vain; for 'tis subject to pain
And sorrow, and short as a bubble;
'Tis a hodge-podge of business and money and care,
And care and money and trouble.
But we'll take no care when the weather is fair,
Nor will we vex now though it rain,
We'll banish all sorrow and sing till to-morrow,
And angle and angle again.'

"This spirit of the angler, happy in the passing hour, is as old as the pastime of fishing. Who can doubt that the Persian poet was a fisherman, and that it was at an anglers' dinner he sang—

" 'Ah! Fill the cup! what boots it to repeat.
How time is slipping underneath our feet?
Unborn to-morrow and dead yesterday.
Why fret about them, if to-day be sweet?'

"The next inducement Lord Denbigh threw out was that it was intended as a compliment, through

me, to the fly fishers of America—'a great, growing and glorious company of sportsmen.' [Applause.] Well, this was the first time I had heard that fish or fishing of any kind could be made a bond of union between any two countries in the world. [Laughter.] Since we became an independent nation the fisheries have been a fishbone of contention between our two nations, and, even before we were born as a nation, between us and the French. The fisheries questions never would stay settled. We have had negotiations, protocols, treaties, arbitrations and awards about them, and still they remain open questions. In fact, the diplomats of the two countries might well think their occupation gone, if no fishing question remained to be settled. And now the fly fishers would dispose of them all at once. Lord Denbigh's idea is that in inducing me to come here he can get the fly fishers of the two continents to intertwine their rods and lines across the sea, and so promote the union of the two great peoples. [Applause.] Let me say a serious word about the fly fishers of America, and, generally, about the sportsmen of America. A stranger has to be in England some years before he can fully realize the influence of sport of all kinds upon the life and welfare of the people, how deeply and powerfully it affects all their domestic and social life, their legislation, their jurisprudence, their industries and their business of every kind. On our side of the ocean, until recent years, we had but very little sport of any sort. Our Puritan

fathers were not quite so bad as Macaulay's Puritan who prohibited bear-baiting, not because of the pain it gave to the bear, but because of the pleasure it gave to the spectators; but they were a sober, a serious, a hard-working and a self-denying people, and for the first two centuries almost no kind of sport was cultivated among them. Our ancestors took life quite too seriously to mingle work and play in your good old English way. But I am happy to say, and you will be happy to hear, that sports of all kinds in the last fifty years have been advancing by leaps and bounds throughout America —[applause]—and that they are beginning to have, and in a still greater measure are bound to have in the future, an immense effect upon the life, happiness and welfare of the people. Before long you may find the fly fishers of America not unworthy rivals. I will not, however, claim that our American fish can ever rival in astuteness and cunning the inhabitants of your old English waters that have been fished for so many ages. That would, at any rate, take 'centuries of civilization' and of that higher education which your fish have received at the hands of yourselves and your fathers. Lord Denbigh threw out one more inducement. He said that the members of the Fly Fishers' Club, although they think they know everything about fishing, especially fly fishing, are beginning to look across the Atlantic for light and leading on this interesting subject, and, perhaps (he said), I should be able to give some idea of what is going on on our side of

the water for the promotion of the fishing industry, including fly fishing and the other branches of the sport, as well as in the direction of the substantial feeding of mankind. Well, gentlemen, it is too late now, at this point of my address, to enter into that. I should have opened with this if I had wanted to give you these statistics. [Laughter.] I am afraid that they would not be very good bait at this part of the voyage. But let me say, very briefly, that much is being done on our side of the water towards the breeding, hatching, transportation, distribution and the care of these fish to which you are so devoted. Our Republican people do not object so very much to spending public money for so glorious an object—["hear, hear"]—and we have in most of the forty-five States a Fishery Commission, maintained at the public expense, and paid for by general taxation. [Applause.] Above them all, but acting in harmony with them, is the United States Fishery Commission, maintained by the Federal Government at an expense of something like £100,000 a year. ["Hear! Hear!"] These, acting in harmony, do a vast deal of good work. The United States Fishery Commission alone has established twenty-five stations, scattered all along from the Atlantic to the Pacific, for the hatching, preservation and distribution of fish, from which they send forth to every part of the United States, to this country, and to other countries which call for them, trout—rainbow, golden, brook, lake, black, spotted, steel-head, Scotch, sea and Loch

Leven. The methods of distribution of these fish by almost countless millions are of a unique and almost perfect kind. The Commission owns a considerable number of full-sized cars adapted to the purpose, with tanks and every other apparatus necessary for the preservation of the lives of the fish. They are moved by the railroad companies, many of them free of cost, so much are these companies interested in this pursuit—["hear, hear"] —and these cars last year traveled 138,000 miles. No doubt you think we are always doing everything on a big scale in America, but it is the fact that in 1899 they distributed through forty-five States and four territories 46,000,000 salmon (eggs and fish), 13,000,000 trout, 4,600,000 grayling, and 385,000,000 perch. Besides the 100,000,000 distributed by cars, 955,000,000 were planted by detached messengers, so that a great deal is being done in the way of restocking old rivers, and in other directions. I have read that in the good old Colonial days the rivers of Massachusetts swarmed with salmon, to such an extent that it was necessary to pass a law for the protection of apprentices, enacting that they should not be fed on salmon more than three days in the week. [Laughter.] Moreover, fish are now transported into rivers, streams and lakes which were utterly guiltless of any such varieties before. The interesting experiment is also indulged in of tagging salmon, showing the date and place, when and where they were put in, and when they are taken out—two, three, or five years

afterwards, their travels and habits in the meantime are partly accounted for. There is such a thing, too, as an accidental planting. Bozeman Creek, in Montana, was found to be full of the finest steel-head trout, resulting from a can of fry having been accidentally upset into the creek a few years before by the jolting of a wagon. I should exhaust your patience if I went into any further details. ["No! No!"] These statistics, dull as they are, are all matter of record, and these various commissions are producing a literature for the instruction of fishermen throughout the world, which, I am sure, will be of immense value; and if in the library of the Fly Fishers' Club there should be found some vacant places, which some of these books specially adapted to your use could fill, I should be most happy to be made the medium of seeking for them in the various States. [Applause.] Now, gentlemen, I will take my seat and give way to that torrent of mirth and merriment which I am sure is awaiting you. I thank you very much for the great honor you have conferred upon me. I am sorry that I am so much of a duffer—["no, no"]—and I am also very sorry that I have not any fishing stories to tell you, for I should have liked above all things to have outstripped anything that has ever been told at any dinner or meeting of this club." [Cheers.]

At a meeting of the Social and Political Education League, at University College, to listen to a lecture

by Sir Alfred Lyall on "Race and Religion," it was his duty, as President-elect, to propose a vote of thanks to Mr. Leonard Courtney for presiding. It is only possible, of course, to surmise that the lecture was learned and profound, not to say soporific in its tendency, and that during its delivery Mr. Choate's sense of humor provoked cogitation on the duties of a presiding officer, one of which was to keep awake. In moving a vote of thanks he remarked:

That probably there were no people of any race or religion in any age who, when more than two or three were gathered together, had not a presiding officer. They knew how Adam presided in Paradise —[laughter]—how Noah presided in the ark when his company had assembled—[laughter]—and how Moses presided in the wilderness. [Laughter.] He ventured to say that, from the beginning till now, no presiding officer had better discharged his functions than their chairman. [Laughter.] He began by effacing himself. They heard him admit complete vacuity of mind. [Laughter.] As the lecture proceeded, they observed how admirably he performed his functions. He kept awake—[laughter]—and kept his ears wide open. When the lecture concluded, his mind, which had been vacant before the discourse was absolutely full, and he (Mr. Choate) apprehended that Mr. Courtney was ready to continue the lecture. ["Hear, hear," and laughter.]

At a Thanksgiving Day celebration his story of Lord Coleridge and Mr. Evarts (then Secretary of State) on a visit to Mount Vernon; also his felicitous application of the story of *Cinderella* to America were happy inspirations and, evidently, fully appreciated. Replying to a toast in his honor he said:

This was the only occasion in the year when Americans in London were able to meet together with their wives and daughters—[laughter]—and celebrate this great national festival. The American colony was one of the greatest colonies that was ever planted under the British flag. As they knew, in the twelve years that proceeded the Long Parliament, there was a perfect exodus from England to New England. Twenty thousand was the number that history recorded as making that fateful voyage, and he understood that in and about London there were twenty thousand Americans who had returned to stay—[laughter and cheers]—out of whom the American Society had been formed. They had returned after 250 years as prodigal sons of England. [Laughter.] They did not claim in that capacity the fatted calf, because they would be contented with nothing less than the stalled ox. [Laughter.] Acknowledging the compliments which the Lord Chief Justice had paid him, he said the three Lord Chief Justices in succession had made themselves beloved by the American people, and all three had been welcome visitors on their shores.

"The Success of the Show Season in London.
Mr. Choate and His Eagle"

He referred to Lord Coleridge, Lord Russell of Killowen and the present Lord Chief Justice. In regard to Lord Coleridge he related an anecdote. When taken by the Secretary of State to visit the tomb and home of Washington, at Mount Vernon, on the banks of the Potomac, Lord Coleridge inquired if it was really true that Washington threw a dollar across the Potomac. The Secretary of State said, "I think so, because you know a dollar would go much farther then than it will now." [Laughter.] Lord Coleridge afterwards returned to the question, and asked, "Do you think it possible that Washington could have thrown a dollar across the Potomac?" "Why, certainly," said the Secretary, "because we know he threw a sovereign across the Atlantic." [Laughter and cheers.] Mr. Choate went on to propose "Thanksgiving Day." America has a great deal to be thankful for, and, more than all other things, to-day she had to be thankful for the happy relations in which she stood with all the great nations of the world. [Cheers.] He read the other day in the press that America had at last taken her place in the family of nations. Why, they had an idea at home that she had always been there—["hear, hear"]—that she had always been seated at the family hearth. In fact, he regarded her as a sort of Cinderella in the family of nations. During her childhood and youth she was, perhaps, a little ignored and neglected by her elder sisters, but now they appreciated her merits at their full worth. She found a fairy godmother, who

advised her to lay aside the homely garments in which she had been fledged, and put on the full panoply of armor to which she was entitled, and to step forth into the assembly of nations. She did so, and the result had been that not only was she received with friendship, but homage, and the slippers on her feet were objects of general admiration. [Laughter and cheers.]

At another Thanksgiving Day celebration he said:

When he entered that room he was a good deal at a loss to know how he could begin his response to this sentiment, and so he gave himself away to one of the most distinguished women in that company, whom he told he should say whatever she bade him say. [Laughter.] Dealing with ordinary women, that would have been a very rash offer considering his official position [laughter], but she was as wise as she was patriotic, and she gave him a sentiment which, he thought, touched the keynote of that occasion, which would meet with a warm response from every man and woman in this country, and from almost every man and woman in England and America. She said, and he gave the sentiment as a quotation, "Tell them, let England and America clasp hands across the sea, and the peace of the world will be absolutely secure." [Loud cheers.] Since they assembled last year to celebrate this festival, they had expanded—a little.

[Laughter and cheers.] Geography was the most progressive of all sciences, especially English and American geography. [Laughter.] Last year their brave Admirals Dewey, Sampson and Schley [cheers] altered the map of the world, and that night, from the undisputed boundary of Alaska, washed by the frozen ocean on the west, to the sunny shores of Puerto Rico on the east, all Americans were celebrating this festival of the home and the family in the old-fashioned way. [Cheers.] He felt that, at the outset of their proceedings, they ought to express, in some becoming manner, their sympathy with the anxieties and the sorrows of the people of this metropolis, and of this nation, of which it was the heart and center, at this very trying hour of their history. [Cheers.] Surely his heart would be hard, indeed, who could look around in this city and realize unmoved that almost every family of their acquaintance had one or more of its members exposed to the horrors and perils of this awful war that was being carried on in South Africa. ["Hear! Hear!"] Surely they could but give their sympathy, and feel not only for the soldiers who were thus exposed to suffering, but also for the bleeding hearts of those whom they had left behind them as they had gone forth to follow and maintain and defend the flag they loved, and the Queen they adored. [Cheers.] Fortunately, Englishmen had not far to look for a living proof of this human sympathy with which they met them. [Cheers.] Neutral as their nation must be in the

great struggle that was going on, the heart of woman could not be neutral. [Cheers.] If they should undertake to neutralize her, they would spoil her, and these American women in London who had fitted up this hospital ship, who had appealed to their countrymen and women, here and on the other side of the Atlantic to come to their aid, had, in his judgment, been doing a deed which would live for all time as a blessing to their common humanity. [Cheers.] And the presence of these nurses and surgeons, who were giving their time and, perhaps, their lives to this noble service of sympathy, lent an additional charm to that banquet. [Cheers.] He read only yesterday in the papers a letter from Florence Nightingale [cheers], written from her retirement in the home of her old age, contributing the little that her means afforded for some cause exactly kindred to this, and he could not but think, when he saw these young women, with their nurses' uniforms, entering the room, that her example had been an inspiration all around the world for this great and good work of women for the relief of the sick, the wounded and the dying under whatever flag and on whichever side. [Cheers.] Let him say one word more. They would remember that in their Spanish war, as they called it, Great Britain, by its Government, did their people a great service in taking care of their interests throughout the Spanish dominions. [Cheers.] Following that example, seeking to reciprocate that act of kindness and humanity, they also had endeavored, through

their Consul at Pretoria, to be the medium of relief and of good tidings to the prisoners confined there. [Cheers.] Unfortunately, the local authorities there seemed to think it was not quite the proper thing to allow them to do so, and for a few days their efforts in that direction had been prohibited. But they could not but still hope that that prohibition would by-and-by be removed, so that they could be permitted, according to humane laws and the usages of all modern warfare, to go on and do this errand of mere humanity. [Cheers.] They came together that day, by the President's order, to render thanks for the mercies and blessings that had been showered upon them during the past year. If he undertook to tell them only half the truth about the immense material prosperity and happiness which prevailed throughout their country, they would set him down for a great American brag. [Laughter.] Their fields, from the Atlantic to the Pacific, had been blessed again with a most abundant harvest, and if only those in other lands who were provided for by the produce of their fields would give them their stanch friendship in return, if they would but kiss the hands that fed them, they would be at peace and in everlasting friendship with almost all mankind. [Cheers.] Then, again, they stood to-day as one of the great manufacturing nations of the world. Did they read that story, only two months ago, of the American bridge at Atbara? Did they read how the enthusiasm of Kitchener, the Sirdar, himself was warmed

by the achievements of their American engineers? Did they read in an article in the *Times* of London that before this year should come to an end there would be sixty American locomotives running on English railways? And did they know that they were laying down steel rails and furnishing locomotives to many of the great nations of the world? Another hopeful incident was the prospect of a speedy revival of their commercial marine. They had been long enough waiting for it. It was once the pride of their nation, the vehicle of its commerce, and the nursery of its sea power. They hoped it would soon be again. [Cheers.] The carrying trade was the white man's burden, and they must do their full and fair share of that. But there was one interest greater than all these; the supreme interest of America to-day, as it always had been, was the preservation of peace with all countries upon the face of the earth. [Cheers.] Their commercial rivalry, their vigorous competition, might be thought by some to be inconsistent with this ever-desired preservation of peace. It was not so at all. And so let them add to their thanksgiving, their jubilations for the great blessings that had been showered upon them, a prayer for the constant preservation of peace on earth and of good will among all mankind. [Cheers.]

On July 5, 1901, he delighted his hearers by a humorous reference to the exclusion of women,

except behind an iron grating, from witnessing the proceedings of the House of Commons. He said:

As he had already that afternoon addressed some 2,000 of his countrymen and countrywomen—[laughter]—it was hardly to be expected that he would address any lengthy collective remarks to this insignificant number of the inferior sex. [Laughter.] He preferred to lift up his eyes to the galleries (where the ladies were assembled), from which came his strength. [Laughter.] Nothing, to his mind, exhibited so glaringly as this spectacle and overruling presence the difference between the British and American Constitutions. [Laughter.] If they were at the House of Commons at Westminster, no man on the floor would be permitted to open his lips till all that gay scene which presented itself from the galleries was screened away—[laughter]—until a solid and impervious grating of iron shut the ladies off from view. [More laughter.] For it was an open secret of the British Constitution that if a member of Parliament when he rose to speak caught sight of a woman—[laughter]—if it were but the pupil of a single eye, or the gleam of her top-knot—[more laughter]—his ideas became so utterly distracted that the business of the House could not proceed. [Laughter and cheers.] Whereas, to the average American, such a presence was nothing less than an inspiration. [Laughter and cheers.] One of the subjects for

congratulation was that the Fourth of July was getting, more and more, not only an international, but a strictly Anglo-American festival—[cheers]—as was evidenced by the presence of all these distinguished Englishmen—men high in the office of the Government, great soldiers fresh from the battlefield—[cheers]—learned divines, editors, merchants, all ready to join them in the celebration of that day. [Cheers.] It was, indeed, now recognized by all the world that the principles which were declared 125 years ago by their heroic fathers were now accepted as the cardinal principles of policy and of government and of justice—[cheers]—and the great men stood by them in the British Parliament on that great day—such men as Chatham, Burke and Fox—laid down principles which had furnished the basis of the colonial administration of Great Britain from that time to this.

When the time came for Mr. Choate to return home, and resume his place as a private citizen, he did so without regret. He had fulfilled his mission admirably; he occupied a high place on the roll of American diplomats; he had won the respect and regard of the British nation; on him had been bestowed the highest honors within the gift of Englishmen, culminating in the two great banquets in his honor, the one at Lincoln's Inn by the Bench and Bar of England, the other at the Mansion House by the Lord Mayor, at which were gathered the most distinguished men of his profession, as well as in

public, scientific, literary and commercial life. His responses to the toasts proposed to the distinguished guest will be found in his book *Lincoln and Other Addresses.* There was nothing further for him to expect in the way of personal honor, or to render in the paths of public service. He was probably glad to be released. It is doubtless true, as he said, that he was homesick, and yearned to be among his friends in his native land. He returned not to a life of idleness, for besides conspicuous service in his profession, he undertook duties of large importance in civic and philanthropic affairs, and gave them his valuable support and service. The distinction which he had attained, and the place he filled in New York life, earned for him frequent reference in the public press as "New York's First Citizen."

On a leave of absence which was granted him he was accorded a dinner by the Lotos Club, when he had an enthusiastic American welcome from old friends and admirers, and not only indulged in some of his rollicking fun, but gave expression to his sentiments as an American on his return to his New York home. What he said on this occasion may be accepted as a true indication of his feelings on his retirement from the Ambassadorship.

As Mr. Choate rose to reply the diners stood up and cheered him. Mr. Choate surveyed their enthusiasm with his familiar and contagious smile. When he had his opportunity he said:

"Since I left these shores I have seen many distinguished companies, but I never met one like this."

Mr. Choate paused and looked around with a slow smile. A shout of laughter saluted him. He went on:

"Such modesty——"

This was drawled with great solemnity, and Mr. Choate seemed surprised at the howl which it elicited from his hosts.

"Such self-shrinking, as embodied in the person of your Vice-President——"

Mr. Choate was compelled to wait for a long time before he could get another chance to say anything at all. He seemed grieved and about to protest, but at last he slipped into a pause and said:

"Such hiding of your united lights under a bushel——"

Mr. Choate let his face relax, and the suppressed smile came out all over it as he concluded, raising his voice above the tumult of laughter:

"You may search the United States and Great Britain over without finding a rival of the Lotos Club. [Laughter.] I appreciate the honor you are doing me—and yourselves. [Great laughter.] I appreciate this overture of hospitality [laughter], and if you will come to London, individually or collectively, I promise to apply to your entertainment all that remains of my salary after I pay my house rent. [Laughter.] If your whole membership comes together there may not be much to go

around, and if you come a second time it may be rather a Barmecide feast, but my heart will go with it. [Laughter.]

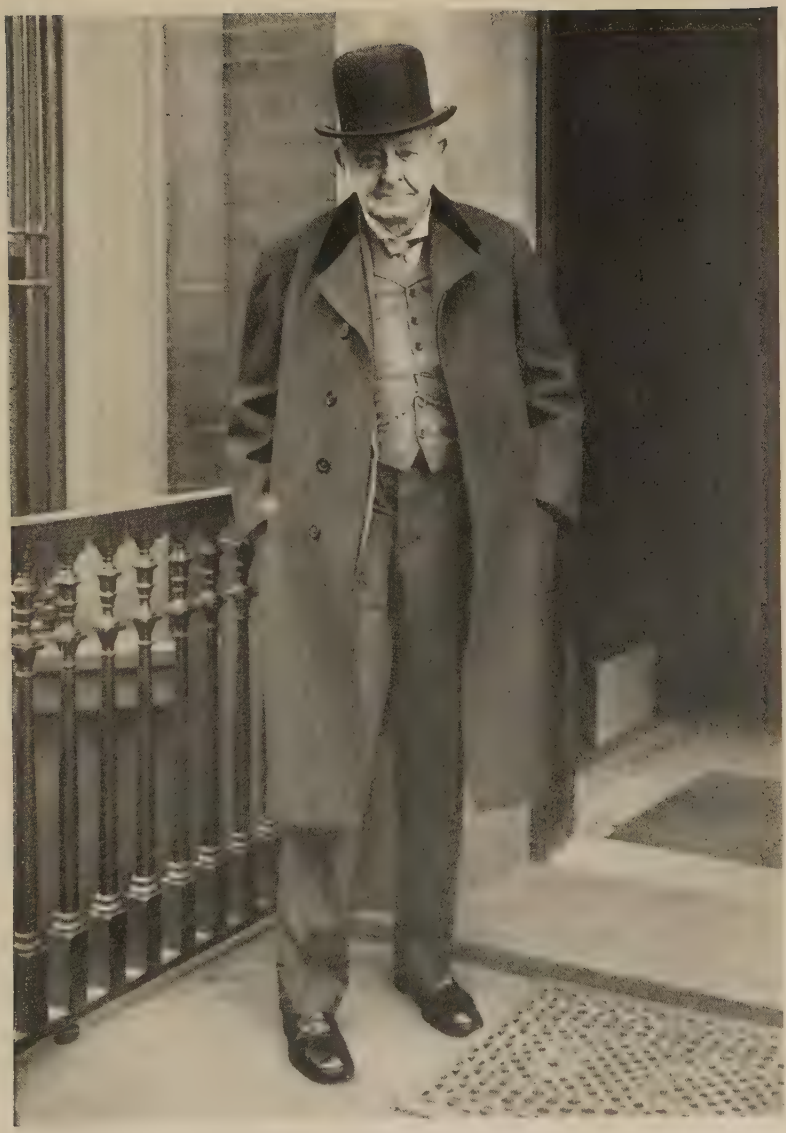
"Seriously, I do feel this to be the greatest compliment I have yet received, for it is evidence to me that the three years of my absence have not cooled the attachment which I spent forty years in acquiring among you. [Applause.] Now I am not here to discuss any public question. Reticence is impressed upon me as a law of our being—for three years I have been afflicted with political lockjaw [laughter]; when I shall have recovered from that affliction I will return to the subjects I love to discuss.

"To-night my discourse shall be of a more purely personal nature. When I landed I found myself surrounded by a company of friends whom I did not know, but so persistent that I doubt whether my friend, Mr. Reed, could have shaken them off. They all asked: 'Why have you come home?' Confidentially, I will give you the answer which I have reserved for this occasion. I was a little—or rather not a little, homesick. [Applause.] I wanted to breathe once more a little American air—none of your second-hand breathed-over stuff, but the real American article—fresh from the Rocky Mountains to the Atlantic every day. I wanted to revel in a little American sunshine. There is more real honest sunshine in a real October day in Stockbridge or in New York than there is in a whole winter of London. [Applause and laughter.]

"Perhaps you have read of that which I have escaped. A great fog has clothed the British Isles in a pall of sorrow ever since I left. [Applause.] I wanted once more to touch my foot to real American soil—the real thing, not the imitation thing which the Americans who come to London seek in my hired house there, when they seek the refuge of the United States Embassy. I believe it was Brutus at Delphi who solved the meaning of the oracle who had said that he should rule who first kissed his mother. He pretended to be stupid and stumble and kissed the earth. I would like to try that osculatory experiment, but not on New York City pavements [laughter], especially since they have discharged those 700 sweepers. [Laughter.]

"But if I could have the chance, in my native State of Massachusetts, to salute the salt-washed, rockbound coast of Essex or the granite hills of Berkshire, I believe that I might literally drink in fresh strength. [Applause.]

"Now as to what I have done abroad. I have enjoyed myself a great deal. Some of you may have experienced the generosity and freedom of English hospitality. [Applause.] You know what it is. But I am not sure you know what a steadfast purpose there is in our brethren on the other side to maintain that friendship which so happily exists. [Applause.] I may not discuss any of the relations between the two countries but I believe that I know that all future differences between



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On His Eighty-fourth Birthday

them may be amicably and honorably adjusted. [Applause.]

"You have the right to demand to hear how my absence abroad has affected my impressions of the great city of my adoption. I do not believe that any intelligent American can remain abroad without gathering, month by month and year by year, increasing love and affection for the land of his birth and increasing admiration for its government and institutions. [Applause.] Let me say from the bottom of my heart—I suppose that distance has enabled me to get a better and different perspective, perhaps, than if I had remained at home—to me it is clear, beyond all contradiction, that the cardinal principle which underlies our Government, its laws and policies, the absolute civil and political equality of all its citizens with the right of universal suffrage, is the secret of American success. [Applause.] It is again aided by our unequal gift of general education to our young, ever renewing and strengthening our power to use the right of the suffrage wisely and well. [Applause.] It has put America on the magnificent plane on which it stands to-day, and I say again it passes my comprehension that any intelligent, observant citizen can go abroad and not return a warmer admirer, and a more devoted champion, of the nation of his birth." [Applause.]

Then waiting until the applause ceased Mr. Choate went on: "What shall I say of New York?"

Mr. Carnegie jumped out of his chair and threw

out both hands appealingly in front of Mr. Choate and shouted:

"Look out! Look out! Mr. Speaker! Be careful!"

Mr. Choate smiled appreciatively and continued:

"When I get such a hint as that from such a man as Mr. Carnegie to be careful, I am determined to go ahead and say exactly what I think. [Laughter.] New York is to-day just beginning its progress. The last three years have developed more signs of growth than any decade in my memory. [Applause.] When I first came to it, it was a little city of 500,000 people; Twenty-third Street was out of town. The horse railroad realized the ideals of rapid transit. Now in fifty years, including the four years since the consolidation of the greater city, it has been making a series of strides, each one greater than the one before.

"When one comes up the bay there is presented a serried battlement of skyscrapers which give the city the appearance of a fortified citadel. When we landed we found that every man, woman and child seemed to be moving by steam or electricity self-supplied—each one an individual automobile. [Laughter.] As we went on we found the whole city undermined, excavated, earthquaked, as though titanic engineers were upheaving the bowels of the earth. If I rightly understand, the marvelous combination of mining and engineering which is now going on, is to mark the new birth of the city." [Applause.]

Mr. Choate then reviewed the material, intellectual and political upheaval of the city which marked the present day. He referred to the new libraries and colleges and public institutions. Of the recent election he said:

"As an outsider I have heard of a great political upheaval. [Applause.] As a diplomat I can say nothing and I will say nothing. I will not say a word—but let me say just one word. [Laughter.] The one encouraging sign to men of all ways of thinking is when the entire manhood of the city turns out and joins hands; no matter how each individual votes, the party which has the majority of the whole vote may be trusted with the care of the city. [Applause.] If that is politics, and treason to the principles to which I am bound—make the most of it. [Laughter.]

"I can only return to the glory, might, dignity and brains of the Lotos Club as incarnated in the person of your Vice-President. [Laughter and applause.] When you return my visit, as I hope you will, you will find the latchstring out. It may be ragged, but it will always be out."

Here, then, as amid applause, loud and long, Mr. Choate resumes his seat, let us take leave of him, the unique personality, the unsurpassed wit, the eloquent and instructive orator, the distinguished lawyer, the great citizen, the thoroughbred American, the man of genius.

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